Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No._____

THE SUPREME COURT OF THE UNITED STATES

In re Gary R. Wall
Petitioner

ON PETITION FOR AN EXTRA ORDINARY WRIT TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR AN EXTRA ORDINARY WRIT MANDAMUS

SUBMITTED BY:
GARY R. WALL
PETITIONER
60 CARRIAGE HILL DRIVE
WETHERSFIELD, CT. 06109
860-529-2651

QUESTIONS PRESENTED

QUESTION NO. I

Do the following Judicial Branch/Executive Branch "Exceptional Circumstances" warrant the exercise of the Courts discretionary powers for the issuance of an extra ordinary writ, directing District Judge Janet C. Hall to recuse herself from Wall, Cooksey v. Local 230 et al 3:97-CV-00942 (JCH) subject to 28 U.S.C. 455. For background see remand case Wall, Cooksey v. Local 230 et al 224 F.3d 168 (2000 2d. Cir.).

Exception Circumstances: Do they meet the sparingly exercised justification standard of Supreme Courts Rule 20.1.

Do the documented and illustrated extra judicial acts of obstruction and fraudulent misconstruction of the pleadings committed by Judge Hall for political reasons, in order to protect the D.N.C. and the D.O.J.'s involvement in a conspiracy to defraud the United States i.e. "Operating Agreement", warrant the issuances of an extra ordinary writ under the exceptional circumstances standard of Sup. CT. R. 20.1. The Judicial Branch/Executive Branch exceptional circumstances that caused

the usurpation of the petitioners and the plaintiffs Basic Fundamental Rights was and is being caused by the corrupt use of a Congressional Act. That being, the Organized Crime Control Act 1970 (RICO); Being committed by and through the purview of the "Operating Agreement", a self-policing [Title 18 and Title 29] agreement between the Department of Justice and Laborers' International Union of North America (LIUNA). Do the just stated corruption category, exceptional circumstances, qualify for issuance of a Supreme Court Rule 20 Writ of Mandamus.

QUESTION NO. II

Did the Second Circuit panel in 03-3117 In re Gary R. Wall Petitioner F.R.A.P. Rule 21 Mandamus 28 U.S.C. 1292 commit a clear error by applying the "abuse of discretion standard" to a 28 U.S.C. 455 application/affidavit contrary to the intention and direction of the Congressional Standard— "Impartiality might reasonably be questioned" (28 U.S.C. 455(a)).

QUESTION NO. III

Was this clear Standard of Review error "abuse of discretion" v. "Impartiality might reasonably be questioned" (28 U.S.C. 455(a)) employed by one Circuit Judge in 03-3117 using

the petitioners pro se status to falsely brief the other two Judges in 03-3117, for the purpose of protecting district Judge Janet C. Hall from multiple (documented) "Extra Judicial Acts of Misconduct", and violations of Canons of Judicial Ethics.

QUESTION NO. IV

Will the Court Grant a request to bifurcate relief in this mandamus. First part being: Making a determination on the correct application of standard of review as applied to 28 U.S.C. 455. In this matter either 03-3117 panel's "abuse of discretion" standard or this petitioner's "Impartiality might reasonably be questioned" standard and in so doing making a determination on whether or not Judge Hall's documented and demonstrated extra judicial acts of misconduct meet the "impartiality might reasonably be questioned" standard justifying a 28 U.S.C. 455(a) recusal. Second part being: Because of the serious level of judicial corruption documented and illustrated in this mandamus, would the Court rather than make a determination regarding the level of judicial corruption, would the Court use its discretionary powers under 28 U.S.C. 1651(a) to refer the Federal Court System Corruption to the Honorable William H. Rehnquist, Chief Justice

of the United States Ethics Controversies Panel, Chaired by the Honorable Stephen G. Breyer, panel members Honorable J. Harvie Wilkson, III former Chief Judge of U. S. Court of Appeals for the 4th Circuit, Honorable Pasco M. Bowman II former Chief Judge U. S. Court of Appeals 8th Circuit, Honorable D. Brook Hemby former Chief Judge District of Maine, Honorable Sarah Evans Barker former Chief Judge District of Indiana and Honorable Sally M. Ridge Administrative Assistant to the Chief Justice of the United States, cited panel investigating the Federal Court system for its adherence to the Congressional directive and intentions of 28 U.S.C. 455 and 28 U.S.C. 351. In this mandamus documented and illustrated, is the Federal Court Systems Protection of Judicial "High Crimes", which would qualify for removal of a Federal Judge under 28 U.S.C. 455 or 28 U.S.C. 351. Therefore, will the Court find a bifurcation in relief is appropriate subject to the (Time Harm) already committed and being committed against the petitioner and plaintiffs. Would the Court also consider the level (Multiple Federal Judges) of usurpation of Basic Fundamental Rights when deciding the bifurcation issue.

QUESTION NO. V

Do the following "exceptional circumstances" illustrate that adequate relief cannot be obtained in any other form, or from any other Court. This mandamus is the last step in appellate procedure off 28 U.S.C. 455 Complaint and affidavit F.R.A.P. 21/28 U.S.C. 1292/Sup. CT. R. 20, for relief from a severe pattern of judicial usurpation of the petitioner and the plaintiffs' Fundamental Constitutional and Statutory Rights. Protected in the Second Circuit In re Gary R. Wall 03-3117, by an intentional misconstruction of the facts for reason of non-application to the statute committed by strategically placing a sympathetic (D.N.C. or D.O.J.) Judge on a pro se panel, that intentionally, fraudulently briefs the other two Justices. In addition, under 28 U.S.C. 351 all procedures have been exhausted In re Gary R. Wall 03-8534 Judicial Council Second Circuit; In re Gary R. Wall 03-8535 Judicial Council Second Circuit. Adding to the usurpation of Civil Rights, is the fact that documented and flagrant Judicial frauds (by the same Judges) are being committed at this present time in Wall, Cooksey, v. Local 230 et al 3:97-CV-00942(JCH) District of Connecticut Bridgeport Division, also, effecting discovery case

District of Columbia Wall, Cooksey v. Local 230 02-MS-354(DAR). Also in addition, documented and flagrant Judicial frauds are also being committed in Wall, Cooksey, Manos v. Laborers' Int. Union et al 3:04-CV-91(WWE) District of Connecticut Bridgeport Division. For the foregoing reasons, would the Court find that the political corruption category, exceptional circumstances, cited in this mandamus demonstrates that relief for citizens of the United States cannot be obtained in any other form or from any other Court.

QUESTION NO. VI:

By reason of the fact that two separate Judicial frauds have been committed on the Supreme Court in 01-1401 Wall, Cooksey, Manos v. Cheverie et al (18 U.S.C. 1964(c) Complaint) 01-1402 Wall, Cooksey, Manos v. Robert D. Luskin et al (5th Amend. Due Process Complaint/Civil Rights Action in Equity should a Sup. CT. R. 20 Mandamus issue for a referral to the Honorable Chief Justice of the United States, Ethics Controversies Panel to protect the integrity of the Supreme Court.

- VI

RULE 14(b) PARTIES

District Judge Janet C. Hall; Construction & General Laborers' Local 230 (a legal entity); Dominick Lopreato former Business Manager Local 230; Charles LeConche Business Manager Local 230; John Pezzenti Officer Local 230; Lauren M. Nash Assistant U. S. Attorney, 157 Church Street, New Haven, CT. of Council in their former capacities Federal Agents Cheryl McLaughlin and Gilbert Heitert.

RULE 20(3)(a)

Relief is sought from United States District Judge Janet C. Hall District of Connecticut Bridgeport Division, relief being Judge Hall's compliance with 28 U.S.C. 455(a)'s Congressional Standard. Also as a supplemental request for relief is a request for a referral to the Honorable Chief Justice of the United States William H. Rehnquist, Ethics Controversies Panel cited in Question No. IV. Please see Sup. CT. R. 14(h) at pages 12-25 of this instant mandamus "set[s] out with particularity why relief sought is not available in any other Court."

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X

Rule 14(d)

28 U.S.C. 455(a)/Wall, Cooksey v. Local 230 et al 3:97-CV-00942(JCH)

The opinion in the district Court concerning the 28 U.S.C. 455 application for disqualification was by Ruling of Judge Hall the minutes of oral argument dated September 20, 2003. See Writ Appendix relevant excerpts page 1 quoted for compliance with Rule 14(d) relevant part:

The Court: "The Court is going to deny docket 217, the application for disqualification."

Mr. Wall: "Your Honor, are you going to write an opinion so I can appeal it."

The Court: "You can appeal it based upon my opinion. I'm going to rest on what I've put on the record and I think I've put out all my view on the motion I could."

Rule 14(d)

28 U.S.C. 455(a)/F.R.A.P. Rule 21

In re Gary R. Wall Second Circuit 03-3117 (application denied)

Rule 14(d)

F.R.A.P. Rule 21

In re Gary R. Wall Second Circuit 03-3117 F.R.A.P. 35 (Rehearing En Banc denied)

Rule 14(e)

The basis for jurisdiction in this Court for District Judge compliance with 28 U.S.C. 455 – F.R.A.P. 21/28 U.S.C. 1292; In Aid of Appellate Jurisdiction 28 U.S.C. 1651(a); The basis for jurisdiction regarding the supplemental request for a referral to the Chief Justice of the United States, Ethics Controversies Panel is Supreme Court Rule 20 In Aid of Supervisory Control, 28 U.S.C. 1651(a).

(i) The date the order sought to be reviewed is January 14, 2004.

(ii) The date of the order in respect to the rehearing is May 13, 2004. This mandamus was filed August 10, 2004 (one copy). This is the corrected and amended Writ.

(iii) N/A

(iv) 28 U.S.C. 1651(a)

(v) N/A

Rule 14(f)

Constitutional Amendment Five – Due Process; 28 U.S.C. 455(a); 28 U.S.C. 1292; 28 U.S.C. 1651(a).

Rule 14(g)

The concise statements setting out the facts material to consideration of the questions presented are:

QUESTION NO. I STATEMENT:

The facts material to consideration of Question No. I concern political corruption exceptional circumstances. That being, on February 15, 2000 the Department of Justice signed an "Operating Agreement" with Laborers' International Union of North America as an alternative to a drafted 212-page RICO Complaint. Said "Operating Agreement" the fruit of documented multi million dollar political bribes, was and is an open ended conspiracy to defraud the United States by and through the corrupt use of a Congressional Act – the Organized Crime Control Act of 1970 (RICO), and its subset Title 18 and Title 29, 18 U.S.C. 1961 predicates. Said conspiracy to defraud the United States corruptly "influenced" an entire division (Bridgeport) in the district of Connecticut, Second Circuit Panels and the Judicial Council of the Second Circuit. Said material facts political corruption category

exceptional circumstances, are documented and indisputably illustrated. [Please see R. 14(h)(i)(vi) LETTERS Appendix Pages 42-106.

QUESTION NO. II STATEMENT:

The only fact material to consideration regarding Question No. II is a determination by the Court, for the correct standard of review on appeal of a 28 U.S.C. 455 perjury sworn affidavit, and complaint. The perjury sworn affidavit documented and illustrated Extra Judicial Acts of Misconduct, Article II Sec. 4 and Canon violations [see perjury sworn affidavit at appendix pages 12-40.

Judge Hall's Extra Judicial Acts clearly show that Judge Hall's "Impartiality might reasonably be questioned", the correct standard for review 28 U.S.C. 455(a).

QUESTION NO. III STATEMENT:

The fact material to consideration concerning Question No. III is the clear obvious error applying "abuse of discretion" standard for review to 28 U.S.C. 455(a) complaint rather than its standard of review by law and authority "impartiality might reasonably be questioned" – was that standard of review an "abuse of discretion" or a continuation of judicial protection of Judge

Hall's Extra Judicial Acts of Misconduct in the Second Circuit, involving a strategically placed Judge on a pro se panel, District Judge Michael B. Mukasey (S.D.N.Y.) (former U. S. Attorney), sitting by designation falsely briefing the other two Circuit Judges on the 03-3117 panel. Enough evidence has been illustrated in this mandamus concerning the protection of "crimes committed under the Justice Departments "Operating Agreement" and Judge Hall's and other Federal Judges involvement in the protection of the political corruption category exceptional circumstances, for this Court to make a referral "In Aid of Supervisory Control" Sup. CT. R. 20 to the Honorable Chief Justice of the United States, Ethics Controversies Panel cited in Question No. IV at page (iii)(iv) of this mandamus. Please see footnote 2 and footnote 3 Sup. CT. R. 14(h)(i)(vi) LETTERS Appendix pages 58, 59, 60. Also see for authority In re I.B.M. Corp. Petitioner, In United States Plaintiffs v. I.B.M. Corp. Defendants 618 F.2d 923 (1980 2d Cir.) Holding No. 1 Id 923 "Mandamus"

"Few situations are more appropriate for mandamus than a judges clearly wrongful refusal to disqualify himself 28 U.S.C.

144, 455 1651 U.S.C.A. Const. Amend 5 F.R.A.P. 21 28 U.S.C.A."

QUESTION NO. IV STATEMENT:

The only fact material to consideration regarding Question No. IV based on the level of political corruption category exceptional circumstances, is the request to the Court for a determination on the standard of review for 28 U.S.C. 455, separately from the averments of judicial corruption. The reason being, the petitioner and the plaintiffs have been Time Harmed enough by the judicial corruption. Therefore, the petitioner and the plaintiffs respectfully request the Court determine the standard of review Question under Sup. CT. R. 20 (28 U.S.C. 1651) "In Aid of Appellate Jurisdiction" and refer the Judicial corruption exceptional circumstances to the Honorable Chief Justice of the United States Ethics Controversies Panel under Sup. CT. R. 20 (28 U.S.C. 1651) "In Aid of General Supervisory Control."

QUESTION NO. V STATEMENT:

The primary fact material to consideration regarding Question No. V is – the Court being made aware of the serious and dangerous level of political corruption criminally influencing the

Lawful Functions of the United States (Judicial Branch and Executive Branch) please pull up on your computer Wall, Cooksey, Manos v. Laborers' International Union of North American et al 3:04-CV-91(WWE) Bridgeport Division Distr. Of Conn. filed January 20, 2004 one year ago (Judicially stalled and pending). Please take the time to read the six page Organized Crime Control Act RICO Complaint and one hundred and four (104) page Standing Order (supported by one year of depositions in companion case 3:97-CV-00942(JCH)). Please take the time to review the last couple of motions filed in 3:04-CV-91(WWE and it will be indisputably evident that the judicial obstruction and fraud is continuing open ended to this day. Please take the time to read the Sup. CT. R. 14(h)(i)(vi) LETTERS at App. P 42 - 106.

The material fact for consideration are very serious and dangerous exceptional circumstances criminally influencing and undermining the prestige and integrity of the Judicial System of the United States, caused by multi million in political bribes, and the buy-out of a 212-page RICO Complaint, protected by D.N.C. affiliated Federal Judges and former D.O.J. officers now Federal Judges protecting their former colleagues multi million dollar

(private practices) racketeering scheme. The material fact for consideration does the Court have a legal position obligation to protect the lawful functions of the Courts below from Federal Judges who disgrace the prestige and integrity of the lawful functions of the inferior Courts below; Federal Judges protecting Federal Judges; Federal Judges protecting former and present day Department of Justice officials. No Article III protection of the Courts Rule of Law, exceptional circumstances warranting the use of Sup. CT. R. 20 "In Aid of Supervisory Control" through a referral of the political corruption category exceptional circumstances, to the Honorable Chief Justice of the United States William H. Rehnquist, Ethics Controversies Panel; In so doing, protecting the lawful functions of the Courts below from the criminal political influence of an OCCA RICO enterprise.

QUESTION NO. VI STATEMENT:

The fact material to consideration for Question No. VI should the Court, subject to the illustrated averments in the 28 U.S.C. 455 affidavit Appendix P. 12-40 and pleaded in this instant Writ, showing that frauds on the Supreme Court have been

committed. Should the Court refer for investigation to the Honorable Chief Justice of the United States, Ethics Controversies Panel, Judicial frauds ultimately by process committed on the Supreme Court by Federal Judges in 01-1401 and 01-1402.

01-1401 Fraud on the Supreme Court: Circuit Judge Chester Straub in 00-9004, Appellate Case No. for 3:97-CV-2502(JCH), committed a fraudulent briefing to the Honorable Judge Winter Chief Judge at the time and the Honorable Judge Meskill. Said fraudulent briefing was committed by intentionally and fraudulently misidentifying a substantive and timely Rule 59(e) Motion for Reconsideration, for a Rule 59(a) Motion for a new trial, with its time computation 59(b) Motion filed at a 12(b)(6) level, intentionally done so in order to portray pro se litigates as know nothing reckless plaintiffs eliminating all review of the substance of the 59(e) Motion, substance being, the D.N.C. and the D.O.J. involvement in the political protection of an OCCA/RICO Enterprise. A factual occurrence in 01-1401 and by its indisputable documented and illustrated actions Circuit Judge Straub committed a fraud on the Supreme Court in 01-1401 by his judicial fraud in 00-9004 (Second Circuit). A referral pursuant to

Sup. CT. R. 20 "In Aid of Supervisory Control" to the Chief Justice of the United States, Ethics Controversies Panel is in order. Please see 28 U.S.C. 455 affidavit at Appendix Pages 12-40.

01-1402 Fraud on the Supreme Court.

Circuit Judge Straub in Collusion with the Bridgeport division intentionally post dated an amended Civil Rights Act Complaint eleven days late, intentionally doing so in order to stop review of the substance of the Civil Right Act Complaint Action In Equity that indisputably illustrated sever violations of the petitioners and the plaintiffs basic fundamental Civil Rights and Civil Liberties caused by a criminal agreement involving the Department of Justice and an OCCA RICO Enterprise in which its "associates-in-fact" and its "Governance Structure" date back prior to the effective date of OCCA/RICO (October 15, 1970). Also evident in the Action in Equity Complaint is the criminal participation and corrupt influence of the Democratic National Committee on the Executive Branch and Judicial Branch of the United States.

Judge Hall and the Bridgeport Division committed an Obstruction of Justice in 3:97-CV-2502(JCH), by fraudulently post-dating the Action in Equity Civil Rights Act Complaint, which became a fraud on the Supreme Court in 01-1402. Circuit Judge Straub committed an Obstruction of Justice in 00-9004 when he used the fraudulent post-dating scheme on the Civil Rights Act Complaint Action In Equity, which became a fraud on the Court in 01-1402. Please see 28 U.S.C. 455 affidavit at Appendix Pages 12-40. Federal Judges taking advantage of their assumed integrity against the assumed ignorance of pro se litigates, knowingly obstructing and usurping basic fundamental Rights in the meaning of Marbury v. Madison 1 Cranch 137, 163(1803):

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury"

The petitioner and the plaintiffs below respectfully request the Supreme Court protect the integrity of the Courts from frauds committed in the judicial process on the Supreme Court. The petitioner and the plaintiffs below respectfully request the Court to

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do so through a referral to the Honorable Chief Justice of the United States, Ethics Controversies Panel.

Rule 14(g)(i) N/A

Rule 14(g)(ii)

The basis for federal jurisdiction in the Court of first instance is 28 U.S.C. 455(a)

Rule 14(h) 28 U.S.C. 455(a) "Impartiality might reasonably be questioned"

The direct and concise argument amplifying the reasons relied on for allowance of the Writ in compliance with Rule 10(a) is the United States Court of Appeals for the Second Circuit in In re Gary R. Wall 03-3117 has entered a decision in conflict with its own Circuits decisions, in conflict with U. S. Supreme Court decisions, in conflict also with the Congressional directive of 28 U.S.C. 455(a).

"(a) Any justice, judge or magistrate of the United States shall disqualify himself in any proceeding in which his **impartiality might reasonably be questioned"**

CASE AUTHORITIES 28 U.S.C. 455(a)

In re I.B.M. Corp. Petitioner, In United States Plaintiffs v. I.B.M. Corp. Defendants 618 F2d. 923 (1980 2d. Cir.) Holding #1 Id. 923 "Mandamus"

"Few situations are more appropriate for mandamus than a judge's wrongful refusal to disqualify himself, 28 U.S.C. 144, 455, 1651 U.S.C.A. Const. Amend 5, F.R.A.P. 21, 28 U.S.C.A."

See also; Litkey v. the United States 510 U.S. 540, 544 (1994);

"Recusal mandated if Judges impartiality could reasonably be questioned"

See also; Liljeberg v. Health Services Acquisitions Corp. 486 U. S. 847 at 849, 850

"Justice Stevens delivered the opinion of the Court in 1974 Congress amended the Judicial Code to broaden and clarify the

grounds for the judicial disqualification 88 Stat. 1609 the first sentence of the amendment provides 'any Justice or Magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned 28 U.S.C. 455(a) amended'"

See also; United States v. Microsoft Corp. 253 F3d. 34, 107-117 (D.C. Cir. 2001)

"A Judge's violation of Canons of Judicial Ethics, may be the basis for disqualification" "(Remanding for reconsideration of remedies in anti trust action but assigning case on remand to different Judge)" see 12 Moore's Federal Practice 63.21 (Matthew Bender 3d Ed.)

The documented and illustrated Extra Judicial Acts of obstruction committed by District Judge Hall are Canon Violations as in Microsoft Supra but most importantly the intentional obstructions committed by District Judge Hall are intentional violations of Judge Hall's Article III oath to PRESERVE, DEFEND, AND PROTECT THE CONSTITUTION OF THE UNITED STATES. Also as in Microsoft Supra the assigning of

the case on remand should be to another Judge out of the corruptly influence Bridgeport Division.

See also; In re Murchison 349 U. S. 133, 136 (1955)

"We must continuously bear in mind that to perform its high function in the best way Justice must satisfy the appearance of justice"

The appearance of injustice in this mandamus matter is clear and evident. The injustices in this mandamus matter are flagrant, bold and obvious Extra Judicial Acts of Obstruction, and intentional misconstruction of the pleadings, by Judge Hall. Thus, putting the plaintiffs in a severe detrimental position in which the defendants and their attorneys', have direct indisputable knowledge that a Federal Judge is protecting their politically, and criminally powerful, OCCA/RICO Enterprise's criminal acts. Rash extra judicial acts of obstruction and fraud, committed by Judge Hall with no regard for the consequences of enhancing the political and criminal reputation of an Organized Crime Control Act RICO Enterprise, emboldening the defendants and their attorneys to commit more abuses and violations of Rule of Law

inside the Courtroom, corrupting the Judicial Branch, and outside the Courtroom corrupting the Executive Branch. The petitioner and the plaintiffs respectfully request the Court to exercise its powers under 28 U.S.C. 1651 in so doing finding that Judge Hall's "impartiality might reasonably be questioned" in so doing directing Judge Hall to recuse herself under 28 U.S.C. 455(a) and in so doing on remand assign the case Wall, Cooksey v. Local 230 3:97-CV-00942(JCH) out of the Bridgeport division pursuant to Sup. CT. R. 20.1 "In Aid of Appellate Jurisdiction", "In Aid of General Supervisory Control. 3:97-CV-00942(JCH) is an LMRDA Complaint the violations of the petitioner and the plaintiffs LMRDA Rights are being committed in the meaning of Mens Rea, by the intent to violate 18 U.S.C. 1962(d)(b)(c). That being, the reason for the filing of 3:04-CV-91(WWE) OCCA/RICO Complaint, after discovery was completed in 3:97-CV-00942(JCH). In said Complaint and Standing Order, Judge Hall is cited as a wrongdoer for her Extra Judicial Acts of Obstruction of the pleadings. The adverse opinions and findings by Judge Hall in multiple cases in the Bridgeport division are not derived from a wrongful evaluation of the merits; they are flagrant bold and

sometimes hostile Extra Judicial Acts of Obstruction and Judicial Fraud.

All of the cases below including this instant 28 U.S.C. 455(a)'s parent case 3:97-CV-00942(JCH) were and are at the pretrial stages of litigation in the meaning of 28 U.S.C. 455(d)(1). Since 3:97-CV-00942(JCH) was transferred to Judge Hall (October 23, 1997 by Judge Nevas) multiple acts of Extra Judicial Acts of Obstruction and Judicial fraud have severely harmed the petitioner and the plaintiffs basic fundamental Rights.

By reason of the fact that Judge Hall did not recuse herself September 4, 2003 (Oral Argument Ruling) as a consequence now at this 455(d)(1) pretrial stage, Judge Hall has created an extremely bias situation, where not only does Judge Hall have to hide the Federal Law violations by the defendants, for political reasons, she now has to obstruct the pleadings in order to prevent a jury from seeing her Extra Judicial Acts of Obstruction and Judicial fraud, (Political Protection), that would be exposed in a jury trial of the defendants.

These are the inevitable dark consequences of a conspiracy to defraud the United States ("Operating Agreement"), by and through the corrupt use of a Congressional Act, Organized Crime Control Act 1970 (RICO), which cased a contamination of the Lawful Functions of a major segment (Executive Branch) of the Organized Crime Division of the Department of Justice and the contamination of a major segment of the (Judicial Branch) Bridgeport Division, District of Connecticut and the Second Circuit. Judge Hall should have adhered to the Law and her Oath and recused herself as of the September 4, 2003 Ruling. The petitioner and the plaintiffs below respectfully request the Court to use the power vested under Sup. CT. R. 20 "In Aid of Appellate Jurisdiction" and in "Aid of General Supervisory Control" to direct Judge Hall to recuse herself as of September 4, 2003, and in so doing "In the Interest of Justice" 28 U.S.C. 1404(a), transfer 3:97-CV-00942(JCH) out of the Bridgeport division. For the Court's knowledge and for status reasons only, this mandamus procedurally follows and interlocutory mandamus F.R.A.P. 21 28 U.S.C. 1292, as of August 31, 2004 Judge Hall dismissed the unlawful discipline portion of the LMRDA Complaint 3:97-CV-

00942(JCH) granting in part summary judgment on unlawful discipline in the meaning of 101(a)(5); 609; 29 U.S.C. 401(a); 29 U.S.C. 529, denying summary judgment on membership in the meaning of 29 U.S.C. 402(o). In dismissing the LMRDA unlawful discipline claims, Judge Hall commits a bold, obvious and flagrant extra Judicial act of obstruction and fraudulent misconstruction of the pleadings. This petitioner realizes that the Supreme Court does not have jurisdiction on Judge Hall's latest Extra Judicial Act of Obstruction of Justice i.e. August 31, 2004 Ruling. This information on the latest act of obstruction is for status purposes only to this Court. An appeal notice has been timely filed 12/17/04 as of Judge Hall's denial of a Rule 59(e) Motion (December 8, 2004), that included inter alia, severe averments against Judge Hall's lack of integrity, by reason of judicial fraud, which she did not defend against or even mention in her denial. Please see the Rule 14(h)(ii)(vi) LETTER to the Chief Judge for the Second Circuit Appendix pages 99-106. After reading the letter to the Chief Judge for the Second Circuit please consider the following request from the Ethics Controversies Panel. The petitioner and the plaintiffs respectfully request the Ethics Controversies Panel by

reason of the Exception Corruption Category circumstances, apply oversight to the selection process of the Circuit panel that will hear the appeal in the Second Circuit on the unlawful discipline claims, extra judicially obstructed by Judge Hall, not for reasons of any determination on the merits, but for the honesty of the make up of assignment of the panel.

Rule 14(h)

Supplemental Request for Relief from Exceptional Circumstances by referral to the Ethics Controversies Panel.

The direct and concise argument in compliance with Rule 10(a) for the allowance of the supplemental request for relief by a referral of the judicial corruption exceptional circumstances to the Ethics Controversies panel in compliance with Rule 10(a) in this mandamus matter, is in the meaning of Clause 3 of Rule 10(a) – Clause 3: "or has so far departed from the accepted and usual course of judicial proceedings". The extra judicial acts of obstruction and fraud clearly illustrated in this mandamus are a departure from the usual course of judicial proceedings by multiple Federal Judges protecting Federal Judges [Network judicial

corruption] caused by the politically motivated corrupt use of a Congressional Act OCCA/RICO, in a monetary motivated conspiracy to defraud the United States creating a departure from the basic fundamental principles of the Constitution of the United States, political corruption exceptional circumstances, in need of Sup. CT. R. 20 mandamus, that have usurped the petitioner and the plaintiffs Civil Liberties and Civil Rights and have severely Time Harmed the petitioner and the plaintiffs. Therefore the petitioner respectfully requests the Court to bifurcate the relief. Part one being a determination on the standard of review 28 U.S.C. 455(a), part two referral by the Court to the Ethics Controversies Panel, regarding the intentional obstruction at the Appellate Level committed by Judge Michael B. Mukasey S.D.N.Y., sitting by designation In re Gary R. Wall 03-3117.

See Circuit Panel Judge Mukasey Order Appendix pages 3, 4 repeated for convenience.

"Petitioner Wall, pro se, petitions for a writ of mandamus. Upon due consideration, it is ORDERED that the mandamus petition is

denied because petitioner fails to demonstrate relief see Mallard v. United States Dist. CT. 490 296, 308 (1989)" .

Please take notice that circuit designated Panel Judge Mukasey, intentionally does not address the 28 U.S.C. 455(a) application/affidavit, the gravaman of the appeal. Judge Hall's non-compliance with 28 U.S.C. 455(a) in the district was the issue for determination by the Second Circuit, Judge Mukasey was well aware of that fact. Judge Mukasey is also aware that the proper method for relief from a violation of 28 U.S.C. 455(a) is a mandamus. See In re IBM Supra: Judge Mukasey's intentional misconstruction of the pleadings in his summary opinion, was meant to change the appearance of the summary order to the denial of a mandamus, rather than the denial of a 28 U.S.C. 455(a) application/affidavit against district Judge Hall. The extra judicial purpose being to change the standard of review and in so doing, concealing Judge Hall's Article II Sec. 4 and Canon violations, the basis for disqualification under 28 U.S.C. 455(a). It defies logic that Judge Mukasey made a discretionary error, "Upon due consideration".

The intentional misrepresentation of the substantial point of the appeal, part of a pattern in the Second Circuit of protection of Judge Hall's Extra Judicial Acts of Obstruction and Fraud, suggest a high probability that the following statement by Judge Mukasey in the petition for rehearing en banc is also a false statement, i.e. "It is further noted that the petition for rehearing en banc has been transmitted to the Judges for the Court's in regular active service and to any other judge that heard the appeal and that no such judge has requested that a vote be taken thereon".

The level of judicial corruption cited and illustrated in this writ of mandamus was conceived and caused by a conspiracy to defraud the Lawful Functions of the United States by and through the corrupt use of a Congressional Act; that being, the Organized Crime Control Act of 1970 (RICO). If as directed by Constitutional Law in the meaning of Marbury v. Madison 1 Cranch 137, 163(1803), a Federal Court has authority under the Constitution to declare an Act of Congress unconstitutional. Then, it is a judicial duty of a Federal Court to protect the Judicial Branch (and the Executive Branch) from the corrupt use of a Congressional Act, that has usurped the claims of protection of the

Laws of the United States from the petitioner and the plaintiffs. The facts and circumstances illustrated in this writ of mandamus also prove the Judicial Branch cannot police itself under 28 U.S.C. 455 and 28 U.S.C. 351. It is very sad and shameful that a conspiracy to defraud the United States has exposed the inadequate powers of 28 U.S.C. 455 and 28 U.S.C. 351.

Respectfully Submitted:

GARY R. WALL
Pro se PETITIONER
Sworn Mandamus
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

Supreme Court, U.S.
FILED

(2)

04-1079 FEB 8 2005

OFFICE OF THE CLERK

No._____

THE SUPREME COURT OF THE UNITED STATES

In re Gary R. Wall
Petitioner

ON PETITION FOR AN EXTRA ORDINARY WRIT TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR AN EXTRA ORDINARY WRIT MANDAMUS

APPENDIX

SUBMITTED BY:
GARY R. WALL,
PETITIONER
60 CARRIAGE HILL DRIVE
WETHERSFIELD, CT. 06109
860-529-2651

APP. P. 1

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APP. P. 3

Rule 14(i)(i)

(i) Opinion in District Court Re: Denial 28 U.S.C. 455(a) Application for Disqualification

The opinion of the district Court concerning the 28 U.S.C. 455 application for disqualification was by Ruling of Judge Hall the minutes of oral argument, September 4, 2003 commencing at 2:05 PM ending at 4:23 PM (relevant excerpts)

The Court: "The Court is going to deny docket 217 the application for disqualification"

Mr. Wali: "Your Honor, are you going to write an opinion so I can appeal it"

The Court: "You can appeal it based upon my opinion that I've just said on the record"

The Court: "I don't intend to do a written opinion. I'm going to rest on what I've put on the record and I think I've put out all my view on the motion I could".

Rule 14(i)(ii)

(ii) UNITED STATES COURT OF APPEALS

FOR THE

SECOND CIRCUIT

APP. P. 4

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square in the City of New York, on the 14th day of January two thousand and four,

Present:

Hon. James L. Oakes

Hon. Jose A. Cabranes

Circuit Judges,

Hon. Michael B. Mukasey

Chief District Judge*."

In re: Gary R. Wall

Petitioner

03-3117

Petitioner Wall, pro se, petitions for a writ of mandamus. Upon due consideration, it is ORDERED that the mandamus petition is denied because petitioner fails to demonstrate a "clear abuse of discretion" that would warrant mandamus relief. *See Mallard v. United States Dist. Ct. 490 U.S. 296, 308(1989)*

FOR THE COURT

APP. P. 5

Roseanne B. MacKechnie, Clerk

By: Lucille Carr

"Hon. Michael B. Mukasey, Chief Judge of the U. S. District Court for the Southern District of New York, sitting by designation."

Rule 14(i)(iii)

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

THURGOOD MARSHALL UNITED STATES COURTHOUSE

40 Foley Square

New York, NY 10007

Roseann B. MacKechnie

CLERK

At a stated term of the United States Court of Appeals for the Second Circuit, held in the United States Courthouse, Foley Square, in the City of New York, on the 13 day of May two thousand four.

In re: GARY R. WALL 03-3117

APP. P6

A petition for panel rehearing and a petition for rehearing en banc having been filed herein by the appellant Gary R. Wall.

Upon consideration by the panel that decided the appeal, it is Ordered that said petition for rehearing is DENIED. It is further noted that the petition for rehearing en banc has been transmitted to the judges for the court in regular active service and to any other judge that heard the appeal and that no such judge has requested that a vote be taken thereon.

For the Court
Roseann B. MacKechnie, Clerk

By: Arthur M. Heller
Motions Staff Attorney

Rule 14(i)(iv) N/A

Rule 14(i)(v) N/A

Rule 14(i)(vi) "essential to understand"

Rule 14(i)(vi) Copy of District Court Docket #217

"Plaintiffs Application for Disqualification of District Judge Janet C. Hall Pursuant to 28 U.S.C. 455(a)"

APP. P.7

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

GARY R. WALL,
WILLIAM COOKSEY SR.

CASE NO:
3:97CV00942(JCH)

Plaintiffs

v.

CONSTRUCTION & GENERAL
LABORERS' LOCAL 230 DOMINICK
LOPREATO, JOHN PEZZENTI, AND
CHARLES LECONCHE

DATED: APRIL 30, 2003

Defendants

PLAINTIFFS APPLICATION FOR DISQUALIFICATION OF DISTRICT JUDGE JANET C. HALL PURSUANT TO 28 USCA 455(a)

SUBMITTED BY:

GARY R. WALL, Rule 11 Pro Se
60 Carriage Hill Drive
Wethersfield, CT. 06109

WILLIAM COOKSEY SR, Pro Se
1097 Maple Avenue
Hartford, CT. 06114

APP. P. 8

APPLICATION FOR DISQUALIFICATION

28 U.S.C. 455(a) "Any Justice, Judge or Magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned".

The plaintiffs hereby file this application for disqualification pursuant to 28 U.S.C. 455(a).

The plaintiffs aver that district Judge Janet C. Hall, the Judge before whom this action is pending has committed willful misconducts of office by committing transgressions of Extra Judicial Acts including Inter Alia removing and post dating a Civil Rights Complaint (causing said complaint to be identified as an untimely filing); by intentionally mis-identifying motions as different Rule filings (doing so in order to portray the error as a filing error committed by a pro se litigate in order to avoid answering the subject matter of the motion); by not docketing filed

motions and by mis-identifying filed motions as moot also to avoid answering the subject matter in the motions.

In so doing, obstructing Justice; violating Canons of Judicial Ethics; and committing "High Crimes" in the meaning of Article II Section 4 of the United States Constitution damaging the plaintiffs legal, Statutory and Civil Rights committing severe bias, prejudice and a breach of trust.

See: United States v. Microsoft Corp. 253 F. 3d 34 (A Judge's violations of the Canons of Judicial Ethics may be basis for disqualifications).

The facts, documents and showing that serious Extra Judicial Transgressions exists are detailed in the attached 28 U.S.C. 455 Affidavit. Based upon the evidence shown in the 455 affidavit the plaintiffs move that District Judge Janet C. Hall proceed no further and disqualify herself pursuant to 28 U.S.C. 455(a) and that another Judge be assigned to this case and the same Judge also being assigned to this case be assigned to the pending 28 U.S.C. 1292(a)(1) Interlocutory Injunction, see again U. S. v. Microsoft Supra "(remanding for reconsideration of remedies in antitrust actions, but assigning case on remand to different Judge).

APP. P. 10

See 12 Moore's Federal Practice 63.21 (Matthew Bender 3d Ed.)" quoted Moore's Federal Rules Pamphlet 2003 at 196.

The plaintiffs also respectfully request that the new Judge's status be, that said Judge never was affiliated with the Department of Justice or the Democratic National Committee or be from the Bridgeport District. The plaintiffs also request the original Judge in this case be re-assigned that being the (Honorable Janet Arterton "Order of Transfer" from Judge Arterton, to Judge Hall 10/23/97 Dkt. #23) [signed Alan H. Nevas United States District Judge]

The Court in making this decision should consider the cruel hardship that has already been committed on the plaintiffs.

Submitted By:

_____

GARY R. WALL, Rule 11 Pro Se
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

WILLIAM COOKSEY SR., Pro Se
1097 Maple Avenue
Hartford, CT. 06114

APP. P. 11

CERTIFICATION

This is to certify that a copy of Plaintiffs Application for Disqualification and Attached (455)Affidavit with its Exhibits A, B, C and D has been sent first class postage pre-paid this 30th day of April to:

John T. Fussell, Esq.
333 East River Drive
Suite 101
East Hartford, CT. 06108-4203

National Labor Relations Board
Office of General Counsel
1099 14th Street N.W.
Washington D.C. 20570
Arthur Rosenfield, Gen'l Counsel
NEXT DAY AIR

Patrick Tomasiewicz, Esq.
836 Farmington Avenue
Suite 109
West Hartford, CT. 06119

Terrence G. Reed, Esq.
120 N. St. Asaph Street
Alexandria, VA. 22314

Jonathan B. Kreisburg, Esq.
Regional Attorney for N.L.R.B. Region 34
One Commercial Plaza
280 Trumbull Street 21st Floor
Hartford, CT. 06103

Lauren M. Nash, Esq.
A.U.S.A.
157 Church Street
New Haven, CT. 06510

William F. Gallagher, Esq.
Gallagher & Calistro
1377 Boulevard
New Haven, CT. 06509-1925

Mr. Robert Elliotte Deputy Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA
333 Constitution Avenue N. W.

APP. P. 12

Washington, D.C. 20001
NEXT DAY AIR

SUBMITTED BY:

GARY R. WALL, Rule 11 Pro Se

Rule 14(i)(vi) Copy of District Court Docket #218

"Affidavit of Gary R. Wall Rule 11 PRO SE AND

SUPPORTING DOCUMENTATION OF MOTION TO

DISQUALIFY DISTRICT JUDGE JANET C. HALL

PURSUANT TO 28 U.S.C. 455"

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

GARY R. WALL,
WILLIAM COOKSEY SR .CASE NO:
3:97-CV-00942(JCH)

Plaintiffs

v.

CONSTRUCTION & GENERAL
LABORERS' LOCAL 230, DOMINICK
LOPREATO, JOHN PEZZENTI AND
CHARLES LECONCHE DATED: APRIL 30, 2003

AFFIDAVIT OF GARY R. WALL RULE 11 PRO SE AND

SUPPORTING DOCUMENTATION IN SUPPORT OF

APP. P. 13

MOTION TO DISQUALIFY DISTRICT JUDGE JANET C. HALL PURSUANT TO 28 U.S.C. 455

I, Gary R. Wall, being duly sworn say:

1. I am the Rule 11 plaintiff in the above numbered and entitled case.

2. I am informed and believe, and based on such information and belief, allege that District Judge Janet C. Hall before whom this case is pending has obstructed justice; violated Canons of Judicial Ethics; committed "High Crimes" in the meaning of Article II Section 4 of the United States Constitution damaging the plaintiffs Legal, Statutory and Civil Rights committing severe bias, prejudice and breach of trust.

3. The facts, documents and the reasons for the belief that such misconduct, bias and prejudice exists follow.

4. The Pattern of Judicial misconduct by district Judge Janet C. Hall started in companion case Wall et al v. Cheverie et al 3:97-CV-2502(JCH) (Claim I 1964 (c) RICO) and Wall et al v. Robert Luskin et al 3:97-CV-

0205(JCH) (Claim II violation of Constitutional Rights to due process clause 5th Amendment) and continues into this case 3:97-CV-00942(JCH).

5. To start with the most serious and flagrant extra Judicial Act of Obstruction of Justice occurred on August 11, 2000 – It involved the unlawful extraction by post dating a Court authorized "Amended Complaint Form Claim 11 Civil Rights" that involved the "Operational Agreement"; Department of Justice; Robert D. Luskin In House Prosecutor/G.E.B. Attorney and signatory to the "Operational Agreement" 1st V.P. LIUNA Vere O. Haynes. Explanation: 3:97-CV-02502(JCH) had two Claims' a 1964(c) RICO action – Judgment entered for defendants Cheverie, LeConche, Lopreato, Pezzenti, LIUNA, Local 230, Haynes, Luskin, Bearse and Freeman on July 14, 2000 [Dkt. #162]. Plaintiffs Wall, Cooksey and Manos filed a Notice of Appeal July 31, 2000 [Dkt. #165] said notice was for the 1964(c) RICO action "only". For clarity now affiant

APP. P. 15

Wall will quote District Judge Janet C. Hall in her "Ruling on Pending Motions" dated July 11, 2000 [Dkt. #161] at page 34:

"For the foregoing reasons, the plaintiffs' claim against defendant Luskin for violation of the due process clause is dismissed. However, unlike the RICO claims, this Ruling is the first time the Court has addressed the plaintiffs due process claim against Luskin."

Footnote Number 21 is after the name Luskin it is quoted in italics:

"21 the Amended Complaint [Dkt. No. 59] made mention of the claim, but it was not addressed in the July 1999 Ruling and was not subject to the Court's warning in that Ruling that the plaintiffs would only have one last opportunity to amend their claims". Therefore, the Court grants the plaintiffs one final opportunity to replead as to their due process claim only, and only if they can allege sufficient facts that, if

APP. P. 16

proved, would show that (1) defendant Luskin is acting at the direction of the government, or pursuant to some rule of conduct imposed by the government, and (2) that defendant Luskin's actions resulted in the deprivation of the plaintiffs' liberty or property interests without due process of law. Should the plaintiffs choose to file an amended complaint in accordance with this order, the Court reminds them that they need not cite cases in their complaint, but, pursuant to Federal Rules of Civil Procedure 8(a), must include only a "short and plain statement of the claim" Fed. R.Civ. P8(a)"

Now quoting District Court conclusion at page 39 in Ruling in its relevant part:

"Defendant Cheverie, et al's Motion to Dismiss [Dkt. No. 105] is GRANTED with prejudice, and defendant Luskin's Motion to Dismiss [Dkt. No. 109] is GRANTED with prejudice except that it is without prejudice as to the due process claim only. The plaintiff is given leave to replead as to the due process

APP. P. 17

claim against Luskin only, in accordance with this Ruling, within 30 days of the date of this Ruling".

The date of the Ruling is July 11, 2000 [entry date July 12, 2000] the date of the:

"AMENDED COMPLAINT FORM"

"CLAIM II CIVIL RIGHTS"

"ACTION IN EQUITY PURSUANT TO RULE 18(a) F.R.C.P."

"DEFENDANT LUSKIN PURSUANT TO LEAVE OF COURT"

"DEFENDANT HAYNES, LIUNA, LOCAL 230 PURSUANT TO RULE 15(c) F.R.C.P."

is August 11, 2000 see Fed. Rule Civ. P. 6(a):

"6(a) Computation In computing any period of time prescribed or allowed by these rules, by the local rules of any district Court, **by order of Court**, or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included"

See now [Exhibit A] see the time stamp and date of filing 12:46PM August 11, 00 30th day from Ruling. Regardless of that fact, see now, also in [Exhibit A] docket sheet 3:97CV2502 page 24 see fraudulent filing date for Amend Complaint Form 8/22/00 and intentionally post dated entry date 8/22/00 adding to the harm – quote the 2d Cir. In Wall v. Cheverie Appellate Case No: 00-9004 at page 5 in its relevant part:

"We find that the District Court properly denied the plaintiffs' Motion to Amend, because the motion was ultimately filed on August 22, 2000 more than thirty days after the Court's July 11 dismissal".

In addition keeping within this one very serious scheme (that violates the basic fundamental principles of the United States i.e. extraction of a Civil Rights Act Complaint) see [Exhibit B] copy of "Plaintiffs Memorandum of Law in Support of Plaintiffs Amend Complaint Form Claim II Civil Rights" dated and

stamped filed Aug. 11 2000. Also in [Exhibit B] is a copy of same Memorandum of Law identified now by the Court as a motion filed late in Claim I (RICO) of 3:97-CV-02502(JCH) quote the Court in the margin

"Motion denied without prejudice for lack of jurisdiction. This case is on appeal at the Second Circuit Court of Appeals Janet C. Hall U.S.D.J. date 10/5/00."

It is also not coincidental that the Court avoided addressing the fraudulent filing date and the intentional post dating of the entry date when it was raised in the undocketed but stamped filed motion 3:97-CV-00942(JCH) dated March 4, 10:38 2003 at page 1 and 2:

"This Rule 11 plaintiff alleges that someone also tampered with this motion not as serious, flagrant or as devious as the last (documented) manipulation of a motion involving the clerk's office (Amended Civil Rights Complaint form 3:97-CV-2502(JCH) stamped dated August 11, 2002)"

APP. P. 20

That filing was 3 days before the tele status conference of March 7, 2003 Your Honor made no mention of that serious averment against Your Honor but did give a weak explanation of why the (mailed) February 24, 2003 motion "Copy of Plaintiffs District of Columbia Filing"— was not docketed. And then when said motion was hand delivered with the certification signed in blue ink on March 4, 2003 at 10:38 in "Plaintiffs' Re-Filing of Motion dated February 24, 2003"— the Court again does not docket the motions. The motions are docketed now in [Dkt. #211] Titled: "Plaintiffs Second Re-Filing"—filed April 21, at 11:01 2003. All of the undocketed motions have the same similar subject matter Inter Alia – that being the "Operational Agreement"; a RICO enterprise; the criminal use of Federal Police Powers; Criminal Parallel Legal System; Robert D. Luskin "In House Prosecutor"; Vere O. Haynes 1st V.P. Signatory Operational Agreement; the citing of Bivens v. Six Unknown Federal Agents 403 U. S. 388 and the citing

of Marbury v. Madison 1 Cranch 137, 163 and the citing of 1st Amendment and 5th Amendment violations in a long standing pattern of obstruction of the Court System and the plaintiffs Rights.

6. Also in order to show a pattern of intentional extra Judicial mischaracterization of the facts and the intentional extra Judicial statutory misconstruction of the pleadings. And for the purpose of showing the Court that the plaintiffs cannot go back to the 2d Circuit again from District Judge's Janet C. Hall's Court as we will be doing subject to the interlocutory notice of appeal filed 4/17/03 Dkt. #209 without protecting our rights from the harm and damage caused by the intentionally misconstruction of the pleadings by this Court so that the intentional harm and damage to our Rights is not repeated as it was in 3:97-CV-02502(JCH) Appellate No. 00-9004. Therefore, sworn affiant Wall quotes the Second Circuit on page 4 of their decision (September 6, 2001) in order to show the intentional bias and

APP. P. 22

intentional prejudice in the form of extra Judicial misconduct which is the reason for the "breach of trust".

Quote 2d Circuit:

"Further, the District Court was correct in denying the plaintiffs' motion to set aside the judgment. To the extent that the plaintiff's motion was brought pursuant to Rule 59(a), reliance on this section was improper, as the section permits a motion for a new trial and, here, there was no trial. To the extent that the plaintiffs sought to alter or amend the judgment pursuant to Rule 59(b), the motion, if applicable, was untimely because it was filed more than ten days after the entry of judgment. Finally, to the extent that the plaintiffs sought to set aside the judgment pursuant to Rule 60, there is no merit to their motion."

Your Honor knows better than anyone except me (and the documented record), that I sworn Affiant Wall, never filed a Rule 59(a) motion for a new trial – that intentional extra judicial misconstruction of the

pleadings was intentional for the purpose of portraying a pro se litigate (Rule 11 pro se Wall) as a reckless and negligent, no nothing litigant, in order for the Court to create intentional false conceptions of the facts so there is no application to the law. And in so doing, damaging the credibility of the fact pattern pleaded by pro se litigants.

The same is true for the statement regarding the Rule 59(b) motion. Quote Second Circuit:

"To the extent that the plaintiffs sought to alter or amend the judgment pursuant to Rule 59(b)".

Your Honor also knows the plaintiffs did not file a Rule 59(b) motion (a time computation filing rule for a new trial.) That document also <u>does not exist!</u>

Regarding the Rule 60 motion in the afore-cited Second Circuit Quote:

"Finally, to the extent that the plaintiffs sought to set aside the judgment pursuant to Rule 60, there is no merit to their motion"

APP. P. 24

See Now [Exhibit C].

[Exhibit C] is the face of "Plaintiffs Motion for Reconsideration of Courts' Ruling [Entry date July 14, 2000]" said motion Dkt. No. 163 [filed and entry date July 24, 2000] clearly a timely (within 10 days from judgment) Rule 59(e) Motion. The Court denies the motion on 9/20/00 and in so doing implies in the Court's denial in the left hand margin of the motion, that said motion is an insignificant F.R.C.P. 60(a) motion

"Rule 60(a) clerical mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission maybe corrected by the Court at any time of its own initiative or on the motion of any party and after such notice if any, as the Court orders,"----

See now left hand margin of said motion [Exhibit B] quote the Court:

APP. P. 25

"Motion is denied. The Court notes that plaintiff correctly points out two typo errors at page 3 of the Court's Ruling (Dkt. #161). The referred to pleading is Dkt. #155 (not 55) and the Rule is 15 (not 14) So Ordered Janet C. Hall"

The Court by denying the substantive Rule 59 (e) motion in this manner styles the motion as an insignificant Rule 60(a) motion. In addition to the plaintiffs questioning whether those "typo errors" were errors or intentional (in order to portray the pro se's as incapable litigants again) answering this motion in that deceptive stylistic manner also allowed the Court not to address all of the serious averments in the motions (32 page) Memorandum of Law [Dkt. #164] also [filed and entry date July 24, 2000].

For example a list of <u>some</u> of the Headings in the Memorandum of Law avoided.

[At page 3 Memorandum]:

APP. P. 26

"The Courts Primary Abuse of Discretion at Page #6 Footnote #2 Which Caused Multiple Errors of Law in Ruling on the First Amended Complaint and This Instant Ruling"

[At Page 3, 4, and 5 Memorandum]:

"Plaintiffs Case Law in Support of Their Position That The Enterprise Element Is To Be Shown First Before Pattern"

[At Page 5 Memorandum]:

"Application of the Principles of Enterprise Racketeering Injurys' To This RICO Action"

[At Page 6 Memorandum]:

"Application of the Nature of the Enterprise to this Instant RICO Action"

APP. P. 27

[At Page 7 Memorandum]:

Defendant Lopreato's Criminal Convictions RE: U.S. v. Lopreato Case NO. 95-1485, 83 F.3d 571

Two Counts 18 U.S.C. 1954 [RICO predicate] "related to unlawful welfare fund payments"

One Count 18 U.S.C. 371 Conspiracy against the United States.

Two Counts 18 U.S.C. 1621(1) Perjury.

Three Counts 26 U.S.C. 7206(1) Violations Internal Revenue Code

[At Page 28 Memorandum]:

"EMBEZZLEMENT OF UNION FUNDS"

APP. P. 28

By Robert D. Luskin and Dominick Lopreato 29 U.S.C. 501(c)

The Court also refused to address the defendants 29 U.S.C. 501(c) embezzlement (per signed agreement with the D.O.J.) in oral argument March 28, 2003 3:97-CV-00942(JCH).

[At Page 31 Memorandum]

The plaintiffs' raise the fact that neither the defendants nor the Court address:

"The Operational Agreement Scheme in the Meaning of 18 U.S.C. 1962(d)(c)(b) Violating 18 U.S.C. 1961(1)(5)"

Also at [Page 31 Memorandum] neither the Court nor the defendants address:

"The Operational Agreement as a Concept, Pursuant to Scienter Rule 9(b)."

APP. P. 29

The Court continued to not answer these and the other substantive averments pleaded in the Rule 59(e) Motion including the multiple mail and wire fraud claims; the multiple Hobbs Act violation and other predicate act violations by intentionally implying that the timely Rule 59(e) Motion (Motion to Alter or Amend Judgment) was an insignificant Rule 60(a) Motion.

Also what has to be addressed here is the Court's avoidance of not answering the showing at page 14 and 15 (of Rule 59(e) Motion) of a malicious petty trick by the Court regarding Defendant Bearse. Re-explained to show intentional bias and obstruction by Your Honor see page 10 of the Court's Ruling dated July 11, 2000 regarding defendant Bearse (General Counsel LIUNA Coia, Sr. appointed).

The Court at page 10:

"The plaintiffs state that "Mr. Bearse is being charged with multiple counts of mail fraud .... The exact dates of all the frauds we are not able to give yet because of

the fraudulent concealment of the protective order issued by the N.L.R.B."— "Second Amended Complaint At 6".

The Court goes on to state in its relevant part: "Given the plaintiffs admission that they cannot presently meet the pleading requirements of Rule 9(b) with respect to any statements made by defendant Bearse to the N.L.R.B., the Court cannot find that any such statements could be considered "predicate acts" for RICO purposes."

Now see "Second Amended Complaint At 6" Re: Bearse quoted correctly:

"Mr. Bearse is being charged with multiple counts of mail fraud. **The extortion of plaintiff Wall and plaintiff Cooksey's membership rights.** The exact dates of all the frauds we are not able to give yet because of the fraudulent concealment of the

protective order issued by the N.L.R.B. **where Mr. Cooksey and I were winning plaintiffs. We do have enough dates for the RICO threshold".**

Left out of the quote by Your Honor are 3 relevant clauses (bold for easy identification).

"The extortion of plaintiff Wall and plaintiffs Cooksey's membership Rights"

"Where Mr. Cooksey and I were winning plaintiffs"

And Most Importantly, **"We do have enough dates for the RICO threshold"**

The fact that Your Honor takes out "we do have enough dates for the RICO threshold" and then Your Honor makes the statement –"Given the plaintiffs admission that they cannot presently meet the pleading

requirement— for RICO purposes", the fact that Your Honor commits such a petty act compared to the other averments in this affidavits shows the extent Your Honor will go to in order to undermine the plaintiffs pleadings. The plaintiffs are not trying to replead the RICO. The plaintiffs intentions here are to show the Court the long standing pattern of bias, prejudice and obstruction that is the cause of the "breach of trust" that has carried over into this instant case 3:97-00942(JCH), and to show that we cannot go back to the 2d Cir. under these harmful third world litigation conditions.

7. In ending see Dkt. #211 3:97-CV-00942(JCH) the plaintiffs had to file an undocketed motion twice. That filing being:

"Copy of Plaintiffs' District of Columbia Filing Dated February 24, 2003:

"Plaintiffs' Update (Injunction Status District of Connecticut) and Request for Ruling on Two Pending Motions (Dkt. #1 and Dkt. #6 District of Columbia)"

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The intention of said motion was to try and equally coordinate discovery in both districts and to do so without burdening both districts and without burdening the powerful entities discovery was requested from. The subject matter of said (copy motion) to the District of Connecticut was two fold. One: It was a request to the District of Columbia Court to Grant Discovery and a showing to the District of Columbia of what the plaintiffs would do with the discovery if granted because of our pro se status, that being the filing in the District of Connecticut of a Rule 50(a)(2 Motion "Judgment as a Matter of law" the Court by notice dated 2/26/03 – two days after the plaintiffs notified both districts of our intention to file a Rule 50(a)(2) Motion. The Court immediately scheduled a tele status conference for March 7, 2003 and directed the defendants to file dispositive motions and would not address the (pending since September 9, 2002) Rule 65 Injunction. At oral argument (March

28, 2003) on a motion for an evidentiary hearing pursuant to F.R.C.P. 65(a)(2), the Court openly coached the defendant's attorneys and refused inter alia substantive Injunction argument (as examples); on the fraudulent after the fact subpoenas and on the criminal issue of the defendants using embezzled membership money to defend themselves in this case. The next intentional misconstruction of the pleadings is Dkt. #197 and Dkt. #198, made moot by the Court [face of motions Exhibit D] so the Court could avoid following the instructions of Fed. R. Civ. P. 52(a) in its relevant part:

"And in granting or refusing interlocutory injunction the Court shall similary set forth the findings of fact and conclusions of law which constitute the grounds of its action."

The "findings of fact" in Docket #197 include inter alia Injunctive Relief from the "Criminal Use of Federal Police Powers" by a "Self Policing RICO

Enterprise" in the meaning of Mens Rea. Injunctive Relief from the defendants using embezzled membership money. Quote the plaintiffs at page 10 and 11 of Dkt. #197:

"If this Court allows dispositive motions and affidavits to come before the injunction – this Court will also be allowing the defendant and their attorneys to violate their own agreement with the United States (which they do so repeatedly undeterred) and in so doing allowing the continuing criminal (embezzlement by extraction 29 U.S.C. 501(c) of union membership funds to finance their defense in this case"

Both Dkt. #197 and #198 were made moot by the Court not in the form of Judicial discretion but as an extra judicial act of misconduct in order to avoid answering the complaints in both motions to the Court about the Court's conduct and abuse of discretion. Both Dkt. #197 and Dkt. #198 pleaded 1st Amendment and 5th Amendment violations and cited Red Flag

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Supreme Court cases in doing so Bivens v. Six Unknown Fed. Agents 403 U. S. 388 and the citing of Boyd v. United States 116 U. S. 616, 633 (Instruction from the Supreme Court that the Fourth and Fifth Amendment are in pari material and are to be read and constructed together) and Marbury v. Madison 1 Cranch 137, 163 quote the plaintiffs at 8 moot Dkt. #198:

"There has never been a case more needing of the protection of Marbury Supra as this case because the Executive Branch of the government has never had regulatory and adjudication control over federal statutes and civil liberties as the Executive Branch does through the "Operational Agreement". The plaintiffs' should not have to file a separate Civil Rights Act Complaint regarding severe violations of our Fifth Amendment Rights to Due Process; violated multiple documented times through the purview of a criminal parallel legal system".

The Courts designation of Dkt. #197 and Dkt. #198 is an extra judicial act of bias and prejudice see footnote No. 5 at 2 (prejudicially moot) Dkt. #197:

"5 – The plaintiffs' are very concerned that this reasoning and direction by the Court is meant to deter an Open Court hearing that would expose some officials of the Department of Justice involvement in a parallel criminal legal system "Operational Agreement" that violated our LMRDA Rights, Freedom of Speech (First Amendment), Due Process Rights (Fifth Amendment) inter alia".

8. For the aforementioned reasons affiant Wall respectfully requests Your Honor to disqualify herself pursuant to 28 U.S.C. 455(a). We cannot have our Rights damaged and harmed like this anymore and we cannot go to the Second Circuit in the 28 U. S.C. 1292(a)(1) appeal trusting this Court anymore. This Court has breached the plaintiffs' trust in an unrepairable manner, because of the multiple acts of

extra judicial misconduct by the Court. This is a bad situation that this (455) affiant tried to avoid. At oral argument on March 28, 2003 plaintiff Wall tried to warn the Court of this situation, and the Court responded (I have to para phase because I can not get the minutes) **"DON'T TELL ME, JUST DO IT"!** I don't enjoy this at all but the plaintiffs must protect are basic Fundamental, Statutory and Constitutional Rights. The proper thing for the Court to do now is self-disqualification pursuant to 28 U.S.C. 455(a).

9. I Gary R. Wall the 28 U.S.C. 455(a) affiant declare under penalty of perjury that the foregoing facts are true and correct.

GARY R. WALL

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

State of Connecticut

County of_____

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Subscribed and sworn to before me this 30th day of April 2003.

Notary Public

EXHIBIT A

FACE OF TIME AND DATE STAMPED AUGUST 11, 2000

CIVIL RIGHTS ACT COMPLAINT

AND

DOCKET SHEET PAGES 24 AND 25

3:97-CV-2502(JCH)

EXHIBIT B

FACE OF "PLAINTIFFS MEMORANDUM OF LAW

IN SUPPORT OF PLAINTIFFS AMEND COMPLIANT FORM

CLAIM II CIVIL RIGHTS"

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AND

FACE OF "PLAINTIFFS MEMORANDUM OF LAW

MISIDENTIFIED AS MOTION

EXHIBIT C

FACE OF "PLAINTIFFS MOTION FOR

RECONSIDERATION OF COURT'S RULING [ENTRY DATE

JULY 14, 2000]"

EXHIBIT D

FACE OF DOCKET #197 AND #198

SHOWING DENIED AS MOOT IN MARGIN

Rule 14(i)(vi) "essential to understand"

The need for Rule 20.1's justification requirement "that

exceptional circumstances warrant the exercise of the Court's

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discretionary powers, and that adequate relief cannot be obtained in any other form or from any other Court."

Rule 14(i)(vii) /20.1 Copy of LETTER dated December 15, 2004 to CHAMBERS Honorable Robert N. Chatigny CHIEF JUDGE DISTRICT OF CONNECTICUT UNITED STATES COURTHOUSE 450 MAIN STREET, HARTFORD, CT 06103-9998 FROM GARY R. WALL RULE 11/5TH AMEND. PETITIONER 60 CARRIAGE HILL DR., WETHERSFIELD CT. 06109:

December 15, 2004

CHAMBERS

Honorable Robert N. Chatigny

CHIEF JUDGE

DISTRICT OF CONNECTICUT

UNITED STATES COURTHOUSE

450 Main Street

Hartford, CT. 06103-9998

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RE: CONTINUATION OF JUDICIAL CORRUPTION BRIDGEPORT DIVISION CANON 2A'S "IRRESPONSIBLE' AND IMPROPER CONDUCT"

Dear Chief Judge:

This letter is being written to Your Honor in Your Honors capacity as Chief Judge District of Connecticut. This letter concerns the nonstop continuation of judicial corruption in the Bridgeport Division.

As Your Honor knows, there have been previous letters to Your Honor complaining about Judge Hall's documented Extra Judicial Acts of Misconduct committed in the Bridgeport Division in Wall, Cooksey v. Local 230 3:97-CV-00942(JCH); Also in 3:97-CV-02502(JCH) – Judicial fraud dismissed RICO.

As of this writing there is a pending filed but not docketed yet Sup. CT. R. 20 Mandamus, which will demonstrate by documented fact and occurrences, indisputable evidence of Judge Hall's flagrant Extra Judicial Acts of Obstruction and usurpation of our Due Process and Statutory Rights. Said Mandamus, the last

step in (Federal Rules) progression of a 28 U.S.C. 455(a) Complaint, F.R.A.P. 28 U.S.C. 1292(a)(1), will also include the Judicial protection of Judge Hall's Extra Judicial Acts of flagrant misconduct by other strategically placed Federal Judges, also demonstrated by documented fact (including the Second Cir. and the Judicial Council). That serious statement is made pursuant to F.R.C.P. 11(b)(3) inquiries for a Civil Rights Act Complaint against the Bridgeport Division if 3:97-CV-00942(JCH) and 3:04-CV-91(WWE) are not transferred in the interest of criminal Justice. In the interest of criminal Justice in this matter being documented Judicial Obstruction of Justice in the Bridgeport Division.

CONTINUATION OF OBSTRUCTION AND USURPATION OF RIGHTS DISTRICT OF BRIDGEPORT 03:CV-97-00942(JCH)/3:04-CV0091(WWE)(EBB)(WWE)

As Your Honor knows, on January 20, 2004, plaintiffs Wall, Cooksey and Manos filed a six (6) page RICO Complaint and (104) one hundred and four page Standing Order (3:04-CV-0091(WWE). Said OCCA RICO Complaint and Standing Order

was filed in the Hartford Division assigned to Bridgeport Division despite the request cited in the Complaint referring to page 104 of Standing Order that being:

> *"For these reasons also the plaintiffs respectfully request that the place of assignment of this case not be in the Bridgeport District where Wrongdoer Judge Hall sits. The plaintiffs would prefer Hartford in order to minimize the money. Another fact that Judge Hall willfully avoids causing great harm to the plaintiffs and the membership."*

Just what the plaintiffs were concerned would happen if the OCCA/RICO Complaint and Standing Order were assigned to the Bridgeport Division happened. As Your Honor must know by reason of Your Honor's position as Chief Judge of the District of Connecticut that, District Judge Janet C. Hall (Bridgeport Division) is a wrongdoer (No. 9) in the 3:04-CV91 OCCA/RICO Complaint and Standing Order (Standing Order at 78, 103, 104 filed January 20, 2004).

Judge Hall is not cited as a wrongdoer for any other reason except for her "Extra Judicial Acts of Misconduct", which are in

this matter flagrant and brazen obstructions by fraud and deceit of the pro se pleadings indisputably demonstrated by fact and documentation. Both the petitioner and the plaintiffs would have preferred not to cite a Federal Judge as a wrongdoer in an Organized Crime Control Act Complaint. The plaintiffs realize it would on its face cause additional harm to the credibility of pro se (citizen) plaintiffs. The primary reason for citing Judge Hall as a wrongdoer in the OCCA/RICO Complaint was and is necessitated by the incontrovertible fact that some of the defendants "associates in fact" of an 18 U.S.C. 1961(4) Organized Crime Controlled Enterprise have direct knowledge by being involved in the pleadings or by being informed by their attorneys that Judge Hall intentionally committed severe acts of Judicial fraud and deceit in order to protect their criminal enterprise.

The extremely obvious and shocking manner in which Judge Hall committed the Extra Judicial Article II Sec. 4 criminal acts are apparent to anyone involved in the pleadings making citing Judge Hall as a wrongdoer an unavoidable and essential averment in the Organized Crime Control Act Complaint.

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It has been demonstrated by indisputable documented fact that Judge Hall has inter alia – intentionally post dated a Civil Rights Act Complaint[1]; has intentionally misidentified substantive motions; has intentionally misconstructed facts in order that they not apply to the protection of Federal Statutes in the meaning of Marbury v. Madison 1 Cranch 137, 163,

> *"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury"*

---

[1] At oral argument on September 4, 2003 regarding the 28 U.S.C. 455(a) Complaint 3:97-00942(JCH), Judge Hall asked plaintiff Wall to enter a copy of the amended Civil Rights Act Complaint and its Memorandum in Support from case 3:97-CV-2502(JCH) because of the extraction and fraudulent post dating charge being relevant to the 455(a) Complaint the plaintiffs did so on 9/10/2003 DKT. # 243 titled "Plaintiffs Submission Pursuant to Court's Direction to File Supplementary Exhibits August 11, 2000 Civil Rights Act Complaint 3:97-CV2502(JCH) Wall et al Luskin et al and August 11, 2000 Memorandum in Support" to this day Judge Hall has not addressed said filing a continuation of one of many acts of usurpation and obstruction of our Constitutional and Statutory Rights (5th Amend. Due Process).

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Has intentionally changed the plaintiffs' quotes for non-application to statute reasons. Has also willfully protected the defendants' issuances of after the fact fraudulent subpoenas and the use of embezzled membership money despite a signed agreement with the D.O.J. forbidding use of membership money for civil or criminal cases.

In Judge Hall's latest intentional Extra Judicial Act of fraudulent misconstruction of the pleadings (August 31, 2004 Ruling on Second Summary Judgment 3:97-CV-00942(JCH) DKT. #265), Judge Hall commits a bold and clearly obvious fraudulent misconstruction of the pleadings. The plaintiffs addressed Judge Hall's Article II Sec. 4 criminal actions by filing a timely (September 10, 2004) Rule 59(e) Motion (pending as of this writing) DKT. #266 titled:

> "PLAINTIFFS MOTION FOR RECONSIDERATION (R. 59(e) FOR COURTS RULING (DKT. #265) ON DEFENDANTS SECOND SUMMARY JUDGMENT DKT. #221"

The primary Judicial Act and finding for reconsideration stated in the 59(e) Motion is not based on the "abuse of discretion standard".

Judge Hall did not commit an error or abuse her discretion when she eliminated all claims (LMRDA 609, 101, 411, 529) to the protections against "unlawful discipline" by committing openly obvious and flagrant fraudulent misconstruction of the pleadings. This documented pattern of Judicial Fraud and deceit is into the 7th year (six (6) years completed). Judge Hall's acts of Judicial fraud and deceit are known with clarity and certainly to all parties involved because of the cruel, bold obvious and reckless style employed by Judge Hall in her "Extra Judicial Acts of Misconduct".

See for facial showing gravaman of 59(e) Motion page 6 and 7 of said Motion (September 10, 2004 3:97-CV00942(JCH) printed in italics for the Courts convenience):

> *"This Court has exposed its own pattern now that being the intentional misconstruction of the pleading done by removing the key essential word associated with the Federal Statutory violation and in so doing never*

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addressing the circumstances related to the key essential word.

Example: The first time your Court dismissed the Civil RICO Complaint 18 U.S.C. 1964(c) – 3:97-CV2502(JCH), your Court never mentioned even one time the word "enterprise" in your granting the defendant 12(b)(6) motion. The R. 59(e) Motion filed against that Ruling brought that fact to your attention to no avail. "Enterprise" is to RICO what the word Extortion is to the Hobbs Act, what the word female is to the Title IX and in this case at bar what the word "Barred" is to 101(a)(2), 609, 29 U.S.C. 411(a), 29 U.S.C. 529 "unlawful" "otherwise discipline". Even though Circuit Judge Winter refers to the union as "conveying" that plaintiff Wall and Cooksey are "barred persons" Id 172 you intentionally avoid and never mention the word "barred"; also see Circuit Judge Winter citing the "Disciplinary Procedure" at footnote (2) 224 F. 3d 168 Id 172 Supra

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Footnote (2): "The position of GEB attorney was created in January 1995 by the LIUNA Ethics and Disciplinary Procedure, which itself 'was established to assist LIUNA's voluntary internal reforms pursuant to [The February 1995 Agreement] between LIUNA and the United States".

There is no excuse for your Court not to mention the essential statutory word "Barred" or the "Operating Agreement". The only logical reason subject to (7) years of documented fact is the essential word "scheme" an intricate misconstruction of the pleadings comprehensible only with painstaking effort to anyone who is going to review your decision and no one is going to do that because of the assumed integrity of a Federal Judge against the assumed credibility gap of pro se litigates. That act by you is an absolute (unqualified in degree) Breach of our Statutory and Constitutional Rights in the meaning of Marbury v. Madison 1 Cranch 137, 163"

END OF QUOTE

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Also quoted relevant to this letter in excerpts from pages 103 and 104 of Standing Order (printed in italics for Your Honor's convenience:

"See page 78 wrongdoer district Judge Janet C. Hall has committed multiple documented acts of Extra Judicial Misconduct. A grave harm in and of itself magnified by the fact that the defendants attorneys and the defendants know Judge Hall has committed the Extra Judicial Acts of Misconduct because the willful acts of Extra Judicial Misconduct are documented in the pleadings. (Summary examples). The defendants are aware of the fact that Judge Hall extracted and fraudulently post dated (Claim Two) Civil Rights Act Complaint. The defendants are also aware that a motion for a new trial was never filed in 3:97-CV-02502(JCH). The defendants are also emboldened by the fact that Judge Hall is protecting the fraudulent fabrication of subpoenas after the fact (Cooksey Medical and Psychiatric Records) a wanton and willful failure to act.

In addition, Judge Hall has committed multiple documented Extra Judicial Acts of Misconduct and Judicial fraud through multiple intentional misconstruction and interpretation of the pleadings and the defendants and their attorney know it. Judge Hall has caused a widening of the decay of the system because Circuit Judges, thereafter have try to protect her "High Crimes" violations. This is a very harmful and injurious position for Pro se litigates to be in. These Judicial frauds went all the way to the United States Supreme Court 01-1401 – 01-1402.

The plaintiffs in this matter have always respected the Rule of Law and have conducted themselves in a polite manner and we will continue to do so. But we will not respect those who do not respect the Rule of Law no matter who they are. And, we will not stay silent. Justice Ginsburg referred to Extra Judicial Acts of Misconduct in an elegant manner on May 4, 1999 when receiving the Federal Bar Council's Learned Hand Medal for Excellence in Federal Jurisprudence – she relayed the importance of Judge Hand's message:

Justice Ginsburg: "As an advocate in my younger days, and a Judge for nearly 19 years, I know the importance of Hand's

messages victory gained by sweeping the chess pieces off the table is not enduring."

Sweeping the chess pieces off the table multiple times in this complaint is sweeping Federal Subset Criminal Violations off the table 18 U.S.C. 1961(1,4,5); It is not enduring it is disgraceful, extremely harmful, and dangerous to the plaintiffs and the United States."

END OF QUOTE

SUA SPONTE CASE TRANSFERS BRIDGEPORT TO NEW HAVEN BACK TO BRIDGEPORT (OCCA/RICO CASE 3:04-CV91(WWE)

As stated prior in this letter on January 20, 2004, plaintiff Wall, Cooksey and Manos filed the Organized Crime Control Complaint and Standing Order in the Hartford Division. The case was assigned to Judge Eginton Bridgeport Division 3:04-CV-0091(WWE). On June 4, 2004 subject to suspicious obstructionist conduct the plaintiffs filed DKT. #48 in Bridgeport titled:

"RULE 11 PLAINTIFF/PETITIONER'S FILING SUBMISSION FOR CESSATION JUDICIAL

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MISCONDUCT ACTS DISTRICT OF BRIDGEPORT REQUESTING LAW CLERK AND JUDGE DISCLOSURES (CONST. AMEND. 5)"

Rather than answer DKT. #48, six (6) days later DKT. #49 was filed by Judge Eginton Sua Sponte "In the interest of Justice" transferred to the New Haven Division to the Hon. Ellen Bree Burns, 3:04-CV-91(WWE)

On August 31, 2004, Judge Hall filed a Ruling in the LMRDA case on defendants Second Summary Judgment. Said Ruling was another open and obvious fraudulent misconstruction of the pleadings meant to undermine the 609, 101, 411 and 529 unlawful discipline claims against the defendants in the LMRDA 942 case. Said Ruling (August 31, 2004) was also meant to undermine the RICO Case 3:04-CV91(WWE) as Judicial Notice; in which Judge Hall is a cited wrongdoer for committing the same type of fraudulent obstructionist acts.

In order to avoid Judge Hall's Article II Sec. 4 criminal intent to obstruct the OCCA/RICO case, the plaintiffs filed in 3:04-CV91(EBB) (New Haven Division) DKT. #68 on September 20, 2004 titled:

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"PLAINTIFFS MOTION FOR LEAVE TO SUPPLEMENT THE PLEADINGS PURSUANT TO F.R.C.P. 15(b) IN SUPPORT OF DISPUTED JUDICIAL NOTICE FED. RULES EVIDENCE 201(e)" [9/20/04]"

Attached to DKT. #68 (Leave to Supplement) was Exhibit A Rule 59(e) Motion (DKT. #266) in response to DKT. #265 LMRDA 942 August 31, 2004 Ruling. Said Exhibit A demonstrating clearly and indisputably Judge Hall's fraudulent and deceptive actions in her dismissal of the 609, 101, 411 and 529 unlawful discipline claims. Three days after Judge Burns received DKT. #68, Judge Burns transfers back the OCCA/RICO case to Judge Eginton September 23, 2004.

"ORDER OF TRANSFER JUDGE ELLEN BREE BURNS RECUSED CASE REASSIGNED TO JUDGE WARREN W. EGINTON FOR ALL FURTHER PROCEEDINGS SIGNED BY JUDGE ELLEN BREE BURNS 9/23/04 (Pestag) (Entered 9/23/04"

The next intentional obstruction also concerned DKT. #68 and its Exhibit A (Judge Hall's August 31, 2004). This time it is

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committed under the name of Judge Eginton in the Bridgeport Division after the transfer back to Bridgeport from the New Haven Division. See pages 8 and 9 motion filed November 12, 2004 3:97-CV-0091(WWE) Motion titled:

> ***"PLAINTIFFS MEMORANDUM IN SUPPORT OF MOTION TO TRANSFER 28 U.S.C. 1404(a) IN THE INTEREST OF UNBIASED JUSTICE"***

Pages 8 and 9 relevant part printed in italics:

The intentional misconstruction of the facts and applications of the pleadings concerning DKT. #68 committed in the Court's Ruling in DKT. #80, can be for only one obvious reason – to intentionally label DKT. #68 and Exhibit A ***"moot"*** *by the intentional obstructionist act of misapplication of DKT. #68 to DKT. #70. The motive being to obstruct and avoid the directive of Federal Rule of Evidence 201(e) cited at page 4 of DKT. #68 printed in bold and italics for the Court's convenience:*

> ***"Therefore if the Court is considering taking Judicial Notice the plaintiffs respectfully request the 'opportunity to be heard' Rule 201(e)"***

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"Opportunity to be heard – a party is entitled upon timely request to an opportunity to be heard as to the propriety of taking Judicial Notice and the tenor of the matter noticed"—

The Bridgeport Division under Judge Eginton's name (DKT. #80) attempted to obstruct the pleadings ("opportunity to be heard" Fed. R. Ev. 201(e)) by identifying DKT. #68 and its Exhibit A as a motion for reconsideration of DKT. #70 another documented example of obvious reckless and bold obstruction of the pleadings occurring in the Bridgeport Division. The DKT. #80 68-70 scheme to obstruct was committed to obstruct Fed. R. Evidence 201(e)'s "Opportunity to be heard" by fraudulently labeling DKT. #68 a moot motion for reconsideration of DKT. #70. The reason DKT. #80's fraudulent misconstruction is so obvious is the drafter Judge (Bridgeport Division) and his or her law clerks know on appeal that a strategically placed Judge will be put on the pro se panel who will fraudulently brief the other two Judges[2]. The F.R.C.P. 11(b)(3) inquires and the 28 U.S.C. 351

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[2] The most obvious and eggrious fraudulent briefing was committed by Circuit Judge Chester Straub in 00-9004, Appellate Case No. for 3:97-

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inquiries point to strong evidence that this strategic placement is committed by either Ms. Karen Grove Milton, United States Circuit Executive Judicial Council of the Second Circuit. Circuit Executive Milton's husband Dennis E. Milton is Counsel to the Independent Review Board, which oversees the Teamster International. Logic dictates he has a working relationship either directly or indirectly with lead RICO defendant Luskin. Circuit Executive Milton's responses to the 11(b)(3) and 351 inquiries were evasive and the responses failed to answer questions that would support the integrity of the Second Circuit, raising this petitioners suspicions. The other Federal Judge whose responses to F.R.C.P. 11(b)(3) – 28 U.S.C. 351 inquiries regarding integrity

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CV2502(JCH). In said fraudulent briefing to Judge Winter Chief Judge at the time and Judge Meskill, Circuit Judge Straub intentionally identifies a Rule 59(e) Motion, which demonstrated the existence of a RICO Enterprise as a motion for a new trial and a time computation motion for a new trial filed at a 12(b)(6) Level. Intentionally done so in order to portray pro se litigates as know nothing reckless plaintiffs eliminating all review of the substance of the 59(e) Motion. Judge Straub also in collusion with Judge Hall, intentionally post-dated the amended Civil Rights Act Complaint in order that the substance of the complaint not be reviewed subject to the fraudulent eleven-day post dating as untimely.

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questions is the Chief Judge of the Second Circuit, John M. Walker Jr. Chief Judge Walker was assistant U.S. Attorney, Criminal Division Southern District of New York from 1975 to 1981. Reason dictates Judge Walker was and is a former colleague with the following D.O.J. associates.

Lead RICO defendant Luskin former Special Counsel O. C. Division D.O.J.; W. Douglas Gow top former F.B.I. official now Inspector General "Operating Agreement" (LIUNA/D.O.J.); David Bovinger U.S. Attorney Northern District of Illinois; Peter Viara former U. S. Attorney Philadelphia, Pennsylvania now official "Operating Agreement" I.G.'s Office; Senior Judge District of Bridgeport Allan Nevas former U. S. Attorney District of Connecticut 1981-1985; District Judge Michael B. Mukasey, former A.U.S.A. Criminal Division Southern District of New York 1972-1976 – now U.S. District Judge (S.D.N.Y.) sitting by designation in 03-3117[3] fraudulently briefing the Hon. Oaks and

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[3] The fraudulent briefing by Judge Mukasey on the 03-3117 panel regarding a 28 U.S.C. 455 Complaint was dismissed using the" abuse of discretion standard" citing Mallard v. U. S. 490 U.S. 296,308 an obvious inapplicable authority rather than 455(a)'s "impartiality might reasonably be questioned standard", an

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the Hon. Cabranes in order to protect the Chief of the Organized Crime Division Department of Justice Paul Coffey, Robert Luskin and Arthur A. Coia's conspiracy against the United States from being exposed by pro se litigates. It is this petitioners conclusion based on time, facts, occurrences and 11(b)(3)/351 Inquiries that Judge Hall and Judge Eginton became caught in the application of process in a conspiracy to defraud the lawful functions of the Untied States.

The following "allegations" and "factual contentions" has "evidentiary support" (Rule 11(b)(3)) that being, the constant obstruction of multi cases in the Bridgeport Division 3:97-CV-00942(JCH), 3:97-CV-2502 (18 U.S.C. 1964(c)) Claim II 3:97-CV-2502(Due Process) 3:04-CV0091(WWE) is being committed directly or indirectly by former U. S. Attorney Senior Judge Nevas District of Bridgeport.

All of the Article 11 Sec. 4 high crime obstructions are of the same style no matter which Judges name is on them. All of the

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obvious sign that Judge Mukasey is associated with the D.O.J. Judicial network; And, to use Judge Oaks and Judge Cabranes names in that matter should be investigated.

high crime obstructions have the U. S. Attorney style of breaking the law in order to control the Courtroom and the outcome. I understand how U. S. Attorneys can rationalize their actions in some criminal circumstances, but it must not carry over if the former U. S. Attorney puts a robe on and becomes a Federal Judge. This is what Robert D. Luskin's 18 U.S.C. 371 conspiracy to defraud the lawful functions of the United States created. Former and present government officials protecting an after government career in Federal Law Enforcement Racketeering Scheme. Protecting either their former or present day colleagues, D.O.J. or D.N.C. Protecting the unlawful use of the Organized Crime Control Act 1970 (RICO) by former D.O.J. officials some up front and some Sub Rosa. Protecting a RICO enterprise whose governance structure is the same since the effective date of RICO (Oct. 15, 1970). This is what occurs in Third World Countries when Federal Police become Judges. The actions of the district of Bridgeport make the Patriot Act look mild. They are reckless, arrogant and disgraceful. Your Honor has a responsibility to Your Honors position to get the cases out of Bridgeport for criminal reasons.

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JUDGE HALL'S INTENTIONAL MISCONSTRUCTION OF THE PLEADINGS 3:97-CV-00942(JCH) EFFECTING DISCOVERY DISTRICT OF COLUMBIA (DISCOVERY CASE)

On November 23, 2004, the plaintiffs were granted oral argument in the District of Columbia in Misc. Cal. No. 02-MS-354(DAR) on DKT. #1 (District of Columbia) filed 8/8/02 titled:

> "Motion filed by Plaintiff Gary R. Wall, plaintiff William Cooksey Sr to Compel Movant Robert D. Luskin to Produce Documents; Exhibits (3); Attachments (2)(cp) Entered 8/9/02"

and DKT. #6 filed 11/27/02 titled:

> "Motion filed by plaintiffs Gary R. Wall, William Cooksey Sr. for Leave of Court for Service of Depositions Upon Written Questions for Officers (NLRB) Designated in Notice Pursuant to F.R.C.P. 31(a)(2); Exhibits (3) (rje)(Entered 11/29/2002)"

Prior to the oral argument 11/23/04 district of Columbia both respondent Luskin and respondent NLRB Special Litigation

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Department filed status reports 11/19/04 citing Judge Hall's August 31, 2004 Ruling as Judicial Notice stopping argument on discovery related to unlawful discipline (609, 101, 529, and 411). Respondent Luskin actually entered Judge Hall's August 31, 2004 Ruling as an Exhibit. Plaintiff Wall cited an objection in oral argument to Magistrate Robinson's finding that discovery in the district of Columbia could only involve the membership issue because of the August 31, 2004 district of Connecticut (Judge Hall) Ruling excluding discovery on "unlawful discipline" (101, 609, 411, 529 LMRDA).

In order to protect ourselves from Judge Hall's intentional fraudulent misconstruction of the pleadings the plaintiffs filed a timely (December 2, 2004) objection to Magistrate Robinson's finding (district of Columbia DKT. #32) titled:

"PLAINTIFFS L. Cv. R. 72.3(b) OBJECTION TO FINDING AND RECOMMENDATION OF MAGISTRATE ROBINSON RE: ORAL ARGUMENT 11/23/04 REQUESTING DETERMINATION BY THE COURT L Cv R. 72.3(c)" (02-MS-354(DAR))

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In order to show Magistrate Robinson that Judge Hall's Ruling (Aug. 31, 2004) did not meet the standard of Fed. R. Ev. 201(b)(2) "Whose accuracy can not reasonably be questioned" the plaintiffs entered the 59(e) Motion filed in the district of Connecticut against the flagrant and obvious corrupt (Aug. 31, 2004) Ruling (excerpt cited at page 4 of this letter).

As I am finishing this letter 4:02 P.M., Tuesday December 14, 2004, Attorney Fussell from Cheverie Associates, Attorney for the defendant 3:97-CV-00942(JCH) just called me. He stated that Judge Hall denied the 59(e) Motion (Notice of Appeal will be filed immediately). He said it was denied on the 8th but he was just receiving it by email today. Attorney Fussell said he also received a scheduling order from the email. I received my mail today and there is nothing from the Court.

This petitioner is computer illiterate and cannot type. After six (6) full years service should be timely. This most likely is another scheme by Judge Hall to burden the plaintiffs regarding timeliness.

PLAINTIFFS POSITION POST 59(e) MOTION DENIAL

As of this writing this petitioner has not seen the denial of the 59(e) motion without seeing it, the petitioner can predict that Judge Hall never mentioned the words "Barred", "Barred Conduct", "Ethics and Disciplinary Procedures"; "Operating Agreement" with the Department of Justice. Without seeing the 59(e) Motion denial the petitioner can also predict that Judge Hall does not defend the averments in the 59(e) Motion against her disordered behavior and integrity. Judge Hall and Judge Nevas and the law clerks in collusion with them in this most serious usurpation of Civil Rights will hide their Article II Sec 4 criminal actions and just think of more ways of punishing the plaintiffs (in their DNC/DOJ Judicial Network documented) for exposing their cold and calculated Article II Sec. 4 High Crimes Criminal Acts.

Your Honor is in a very uncomfortable position that being to protect the integrity of the District of Connecticut by referring this letter to the Chief Justice of the United States Panel investigating "Ethics Controversies" (see attached Washington Post Article 5/26/04). Your Honor has a position obligation under Chief Judge to follow the directive of Canon 3(B)(3).

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"A Judge should initiate appropriate action when the Judge becomes aware of reliable evidence indicating the likelihood of unprofessional conduct by a Judge"-

The facts directly demonstrated or by reference to the Organized Crime Control Act Complaint and Standing Order in this letter are way beyond the "Likelihood" and "Unprofessional" Standard of Canon 3(B)(3).

Please remember the plaintiffs in the district of Bridgeport have experienced unprecedented Judicial Criminal Acts for over six full years. The plaintiffs have exhausted the entire legal process available to citizens of the United States overcoming Judicial fraud and deceit, doing so to this Supreme Court Rule 20 Mandamus stage in which the averments against some Federal Judges and some law clerks are the whole truth and nothing but the truth and appropriate at this mandamus level.

Because Judge Hall's openly corrupt Ruling of Aug. 31, 2004 was filed as Judicial Notice in the District of Columbia, a copy of this letter will be sent to the Chief Judge of the District of Columbia. A Supreme Court Rule 20 Mandamus requires that all forms of relief have been exhausted. All forms of relief have been

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exhausted. As a final request of Your Honor, the plaintiffs in the Bridgeport Division of Your Honor's District (Conn.) would greatly appreciate a quick response to this instant letter for reason of the Sup. CT. R. 20 Writ of Mandamus.

At this point in time after six (6) full years plus of flagrant and disgraceful abuse of the plaintiffs Rights in the Bridgeport Division, Your Honor has only two choices. One, In Your Honor's position as Chief Judge comply with the request at page 6 of the Complaint 3:04-CV-91(WWE/EBB/WWE) that being:

> *"For those just cited reasons inter alia, the plaintiffs respectfully request an additional Jury Demand that being access to a Federal Grand Jury to submit this (OCCA) RICO Complaint and give testimony".*

Or the only other alternative is to protect Your Honor colleagues and allow an effective date (Oct. 15, 1970) Organized Crime Control Act RICO Enterprise (identified as such by two Presidents Crime Commissions) to "criminally influence[d]" 18 U.S.C. 1962(c)(d) an entire division in Your Honors District.

Respectfully Submitted By:

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Gary R. Wall, Rule 11 / 5th Amend. Petitioner

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

C: Hon. Chief Judge Hogan, District of Columbia

House Committee on Judiciary

U. S. House of Representative

Hon. Ellen Bree Burns

House Committee on Labor

Rule 14(i)(vi)/20.1 Copy of Letter dated December 16, 2004 to Gary R. Wall 60 Carriage Hill Drive, Wethersfield, CT. 06109 from CHAMBERS of Honorable Chief Judge Dist. of Connecticut Robert N. Chatigny:

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

450 MAIN STREET

HARTFORD, CT. 06103-9998

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CHAMBERS OF

ROBERT N. CHATIGNY (860) 240-3659

December 16, 2004

Mr. Gary R. Wall

60 Carriage Hill Drive

Wethersfield, CT 06109

Dear Mr. Wall,

This is in reply to your recent correspondence, in which you request access to a federal grand jury in order to submit a RICO complaint and give testimony.

The power to receive and act on complaints of violations of federal criminal law rests solely with the United States Attorney. The Court itself has no such power. Nor does the Court have the power to give anyone access to a grand jury as you request. Here again, that is a matter entrusted to the United States Attorney.

I hope this information is helpful.

Very truly yours,

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Robert N. Chatigny

Cc: Hon. Janet C. Hall w/ enclosure

Rule 14(i)(vi)/20.1 Copy of letter dated December 27, 2004 to Chambers of Robert N. Chatigny Chief Judge United States District Court 450 Main Street, Hartford, CT. 06103-9998 from Gary R. Wall Rule 11/5th Amend. Petitioner 60 Carriage Hill Drive, Wethersfield, CT. 06109:

December 27, 2004

CHAMBERS OF
ROBERT N. CHATIGNY
CHIEF JUDGE
UNITED STATES DISTRICT COURT
450 Main Street
Hartford, CT. 06103-9998

Dear Chief Judge:

This letter is in response to Your Honors reply letter dated December 16, 2004. Your Honor's quick response was greatly appreciated.

In Your Honors 12/16/04 reply letter, Your Honor represents the December 15, 2004 letter was a filing of a Federal Criminal

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Complaint with Your Honor by reason of the quoted sentence (italics):

"The power to receive and act on complaints of violation of federal criminal law rests solely with the United States Attorney"

The petitioner respectfully clarifies the intention of the December 15, 2004 letter titled:

"RE: CONTINUATION OF JUDICIAL CORRUPTION BRIGEPORT DIVISION CANON 2 A's 'IRRESPONSIBLE' AND 'IMPROPER CONDUCT'"

CLARIFICATION

There were two primary requests in the December 15, 2004 letter, both were request for referrals.

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See Page 11 [Dec. 15] Letter relevant part quoted in italics for the Courts convenience and clarity:

"Your Honor is in a very uncomfortable position that being to protect the integrity of the District of Connecticut by referring this letter to the Chief Justice of the United States Panel investigating "Ethics Controversies" (see attached Washington Post Article 5/26/04). Your Honor has a position obligation under Chief Judge to follow the directive of Canon 3(B)(3).

There are documented serious Constitutional reasons for the petitioner's request for referral to the Chief Justice of the United States Panel. This petitioner respectfully states that it is a responsibility to Your Honors position and oath to the United States to refer the 12/15/04 letter, and now in addition this 12/27/04 letter to the Chief Justice of the United States Panel[4].

---

[4] In addition to the documented Article II Sec. 4 "High Crimes" reasons for referral – another noteworthy and important reason for referral is the fact, that Chief Justice of the United States Hon. William Rehnquist was a key Department of Justice Official under then President – Nixon's Crime Commission, who directly implemented and enforced the Organized Crime Control Act of

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All of the averments against Judge Nevas, Judge Hall and Judge Eginton (Bridgeport Division)(and law clerks) are demonstrated documented acts including the statement at page 9 (12/15/04 letter)

"The following "allegations" and "factual contentions" has "evidentiary support" (Rule 11(b)(3)) that being, the constant obstruction of multi cases in the Bridgeport Division 3:97-CV-00942(JCH), 3:CV-2502 (18 U.D.C. 1964(c)) Claim II 3:97-CV02502(Due Process) 3:CV-0091(WWE) is being committed directly or indirectly by former U. S. Attorney Senior Judge Nevas District of Bridgeport."

1970 (RICO). Then D.O.J. official President Nixon's Crime Commission (Now Honorable William Rehnquist) was directly aware by involvement in Commissions" findings and facts of the Coia's Organized Crime Control of LIUNA and its pensions. This petitioner respectfully assumes that the Chief Justice of the United States by reason of HIS background experiences will take the corrupt use of a Congressional Act [Organized Crime Control Act 1970 (RICO) (and its sub. Set 18 U.S.C. 1961 Criminal Statute)] personal not only as a conspiracy to defraud the United States (18 U.S.C. 371) but as a conspiracy to defraud one of HIS and HIS Presidents greatest crime fighting legacy (RICO)

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Also a reality is the last clause of the 12/15/04 letter page 12 (quoted in italics and bold)

--allow an effective date (Oct. 15, 1970) Organized Crime Control Act RICO Enterprise (identified as such by two Presidents Crime Commission) to "criminally influence[d]" 18 U.S.C. 1962(c)(d) an entire division in Your Honors District".

As a final clarification, " A complaint" has been "receive[d]" 1/20/04 under any person standing of 18 U.S.C. 1964(c) and is properly filed 3:04-CV-0091(WWE). A pattern of a continuation of judicial obstruction continues. The latest schemes (shown in the 12/15/04 letter) include in 3:04-91(WWE) the intentional false application of DKT. #68 to DKT. #70 as a motion for reconsideration of DKT. #70 (a motion DKT. #68 filed before the motion it is reconsidering DKT. #70) that is not an error that act is reckless disregard for everything and everyone ("High Crimes" Criminal). The intention of that scheme (DKT. #80) committed in Judge Eginton's name was to stop the plaintiffs from an

"Opportunity to be Heard" Fed. R. Ev. 201(e) by fraudulently applying [DKT. #68] to [DKT. #70] and then fraudulently (judicial fraud) identify [DKT. #68] as moot in so doing making DKT. #68's Exhibit A (59 (e) Motion 3:97-CV-00942(JCH) against Judge Hall's August 31, 2004 Ruling moot), in order to obstruct an "Opportunity to be Heard" under 201(e) showing and demonstrating Judge Hall's continuation of corrupt acts of fraud and deceit in Judge Hall's August 31, 2004 Ruling. The direction of Canon 3(B)(3) is an imperative of Your Honor's position subject to the "reliable evidence" Your Honor has been made "aware of" after six (6) full years of flagrant, open abuses by Judicial Obstruction, fraud and deceit. It is time to correct the corruption. This is what the Rehquist/Beyer Panel was empanelled for. The facts and circumstances prove the Judicial Branch cannot police itself under 28 U.S.C. 455 and 28 U.S.C. 351. It is very sad and shameful that a conspiracy to defraud the United States has exposed the inadequate powers of 28 U.S.C. 455 and 28 U.S.C. 351.

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In ending, the petitioner respectfully requests Your Honor reassign 3:04-CV91 out of the Bridgeport Division. This matter has been taken away from two honest Judges, Hon. Janet Bond Atterton and Hon. Ellen Bree Burns. It would also be fair considering over (6) six years of Judicial fraud and obstruction that 3:04-CV91, 18 U.S.C. 1964(c) action be put on a criminal case time schedule because of its multiple 18 U.S.C. 1961(1) criminal statute violations. Your Honors quick response to this letter would be greatly appreciated subject to the filing of the "exceptional circumstances "under the justification standard of Sup. CT. R. 20.1. The present circumstances will be pleaded under Sup. CT. R. 14(i)(vi). Everyone who has taken an oath here should protect the lawful functions of the United States or they will be cited for not doing so.

Please see attached letter dated this same day December 27, 2004 to Chief United States Attorney Kevin O'Connor, Esq.

RESPECTFULLY SUBMITTED BY:

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GARY R. WALL, Rule 11/5th Amend. Petitioner

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

C: Hon. Chief Judge Hogan, District of Columbia

House Committee on Judiciary

U. S. House of Representatives

Hon. Ellen Bree Burns

House Committee on Labor

Rule 14(i)(vi)/20.1 Copy of letter dated December 27, 2004 to Chief United States Attorney District of Connecticut Kevin O'Connor, Esq. 157 Church Street, New Haven, CT. 06510 from Gary R. Wall Rule 11(b)(1)(3); 5th Amend. Petitioner 60 Carriage Hill Dr., Wethersfield, CT. 06109:

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December 27, 2004

CHIEF UNITED STATES ATTORNEY

DISTRICT OF CONNECTICUT

Kevin O'Connor, Esq.

157 Church Street

New Haven, CT. 06510

RE: F.R.C.P. 11(b)(1)(3) Statement Inquiry and Request re: Conspiracy to Defraud the Lawful Functions of the United States 18 U.S.C. 371

Dear Chief O'Connor:

Attached is a response letter from the Chambers of the Honorable Chief Judge of the District of Connecticut, Robert N. Chatigny. Said response letter dated December 16, 2004 is a response to a very serious letter that petitioner Wall sent to the Chief Judge on December 15, 2004. In order that you may have a quicker and clearer insight into this extremely serious and deeply corrupt

matter, I have attached both the letter and the Chief Judges response as attachments No. 1 and Attachment No. 2.

Please take the time now to read both Wall, Cooksey v. Local 230 224 Fed. 168(2d Cir. 2000) and Wall, Cooksey, Manos v. LIUNA/Luskin et al 3:04-CV-91(WWE)(EBB)(WWE) Bridgeport, Division, Wall, Cooksey v Local 230 3:97-CV00942(JCH) as of December 17, 2004 Appeal Noticed.

In the District of Connecticut operating Justice Department protected (Washington, D.C. O.C. Division/Chicago-Boston U.S. Attorneys Office) is an effective date RICO enterprise same governance structure identified by both President Richard Nixon's and President Ronald Reagan's Crime Commission. Two of the most accomplished crime fighting presidents in history. This conspiracy inter alia (18 U.S.C. 371) was and is caused by the most accomplished crime-pardoning president in History (Clinton).

This conspiracy to defraud (18 U.S.C. 371) allowed Coia and hierarchical associates in fact to escape their involvement in the

meaning of 18 U.S.C. 1962(a)(b)(c)(d) in the Colonial Realty Racketeering Embezzlement (29 U.S.C. 501(c)) scheme (what in reality it was) inter alia.

The following is an F.R.C.P. 11(b)(3) statement in accordance with F.R.C.P. 11(b)(1) "not being presented for any improper purpose".

A top echelon informant program that also originated in the Boston U.S. Attorney's Office is one of the causes of corruption at this level. There are two forms of the top echelon informant program. The first is where street crimes and gangland crime confidential informants (top echelon and down) are handled by the F.B.I. "Handlers". The second concerns white-collar crimes, which union officials criminal acts are considered. In the second form, the confidential informant handlers are U. S. Attorneys. In this enterprise racketeering matter in the District of Connecticut, a top echelon informant (Arthur A. Coia) "handlers" are top U. S. Attorneys including Inter alios the O.C. Divisions former Chief Paul Coffey and the Chicago and Boston U. S. Attorneys Office. When Mr. Coffey had your position, both Coia Sr. and Jr. were his

confidential informants (early 1970's). RICO defendant Lopreato was a confidential informant as a heroin dealer going back to when F. Mac Buckley was U. S. Attorney (late 1960's). RICO defendant Lopreato stills runs the Sub Rosa 1961(4) RICO Enterprise (Second Circuit's enterprise distinction prong). Both Coia Jr. and Sr. escaped a 1981 Florida/Connecticut indictment by D.O.J. fraud. The Security and Exchange Commission (early 1980's) referred to Arthur Coia Jr. as a top pension racketeer in the United States. The "Operating Agreement" (1995 Open Ended) protected Arthur A. Coia and some of his associates in fact from their hierarchal involvement in United States v. Dominick Lopreato, Ronald LeConche "AKA Ronald Welch" 97-CR00190(TFGD), a 5 million dollar enterprise racketeering pension fraud and embezzlement. The investigation of Federal Judge Alcee Hastings started from a Coia bribe, investigated by President Reagan's Crime Commission. The present Secretary of Labor (Rowland appointed) is a thirty year associate in fact of the OCCA Coia Enterprise appointed over thirty years ago by Coia Sr. Also, Mr. Cashman in or about 1995, before his appointment by Rowland, was protected from prosecution by the "Operating Agreement" for committing

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both the Hobbs Act violation (18 U.S.C. 1951) and a 29 U.S.C. 530 assault against an honest union business agent. The honest business agent asked questions concerning suspicious expenditures from the funds. In addition adding to the harm, the Justice Department has corruptly influenced the Judicial Branch by trying to undermine and obstruct (18 U.S.C. 1503) this petitioner and the co-plaintiffs Due Process Rights and Statutory Rights in the Federal Court System. This is a dangerous and unprecedented situation. The 212-page RICO Complaint against Coia had commission O. C. individuals as targets with Coia Jr. Pursuant to the "Operating Agreement" Coia Jr. has all of his criminal associates in fact (union and pension) operating RICO protected.

One of your associates (A.U.S.A. Lauren Nash) by reason of representation during the depositions of two Federal Agents taken by the petitioner, has some knowledge of filings in 3:97-CV-00942(JCH) (LMRDA Case). She was very polite attentive and professional at the depositions, I am sure she can give you some useful information concerning your decision here.

I realize and have been informed by D.O.J. officials who came to Connecticut from Washington, D. C. and Chicago (1995-1997), that the District of Connecticut does not have jurisdiction in this Organized Crime Control Act matter pursuant to the signed agreement with the Department of Justice "Operating Agreement". As stated in the OCCA/RICO Complaint and Standing Order, the "Operating Agreement" the thing it is in itself by its demonstrated actions and non-actions is a (major) conspiracy to defraud the United States (18 U.S.C. 371) – that caused severe proximate harm to the petitioner and plaintiffs and unknowingly to thousands of union members and their families in the District of Connecticut.

In support of the foregoing Rule 11(b)(1)(3) petitioner statements are the following authority and credibility quotes:

FIRST: Washington Monthly May 1996 by John Mullagan and Dean Starkman

"But the odd case of Arthur Coia illustrates a less sanguine picture of unions in 1996: ***one of lingering corruption, mob ties,***

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and political influence a volatile mix. *On November 4, 1994, Coia was served with a* ***212-page draft racketeering complaint*** *from the Justice Department's Organized Crime and Racketeering Section. The document* ***accused Coia of extortion, pilfering union funds, and ruthlessly crushing dissidents*** *in his union. Charging that the Laborers' International was under the mob's thumb the Justice Department served notice of its intent to take over and throw Coia out."*

"But then something strange happened. The racketeering complaint was never filed. Instead, Coia hired Brendan V. Sullivan, Jr. – Oliver North's Iran-Contra Lawyer – plus a veteran of the Organized Crime Section to fend off prosecutors. Negotiations lasted three months and involved the Criminal Division Chief at Justice. The settlement when it came was an enormous victory for Coia. Not only did he keep his position atop the union, ***he also beat back reforms that would have brought real democracy to the laborers and handed power to the rank and file".***

"Coia's story is one of great failure of law enforcement *set in a rarified atmosphere of multi-million dollar campaign contributions*

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and White House dinners. Federal law enforcement officials involved in the case who wanted Coia removed but were overruled, grumble about a link between the toothless settlement and Coia's political friendship with the President."

SECOND: Excerpt President Reagan's Crime Commission:

See at page 69 of Standing Order citing Section Six of the Crime Commission Report.

The Laborers International Union of North America (LIUNA) is referred to as "A Case Waiting to be Made" at pages 161 and 162 of President Reagan's Crime Commission – both Coia Sr. and Coia Jr. are targets.

At Page 160 is a heading quote:

"A Weak Government Response"

"The government has done little to end organized crime's hold over LIUNA"

At Page 162 important reference is given by the commission to the "leadership or governance structure" under the heading of "The Waiting Case".

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Quote: "The Waiting Case" "The commission believes there is little chance that LIUNA membership will be able to eliminate organized crime's influence or control their union, if the current leadership or governance structure remains intact".

"Governance Structure Remains Intact" and RICO Protected

THIRD: House Sub Committee On Crime – "Conclusions" at page 35 of Subcommittee Report dated January 2, 1997:

"There are those who are quick to dismiss the Subcommittee's review of the administration's conduct in the LIUNA matter as election-year politics and pay back for the Washington union boss campaign against Republicans in Congress. Such views may be politically convenient, but they ignore a central truth: The impartial administration of justice is ill – served when targets of investigations by the executive branch regularly and publicly associate with most senior officials within the same branch of government.

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Why is it that Justice Department career officials were concerned about White House associations with Coia? The answer is obvious. They were deeply troubled by the appearance of such associations ***because of their effect on public confidence in the impartial administration of justice.*** *The considerable experience of these officials had taught them that a storm of controversy could erupt if federal law enforcement was perceived to be serving political interest, and indeed, that is exactly what happened. After D.O.J. and LIUNA reached a settlement in this case, suspicious soon emerged that Mr. Coia's extraordinary political connections had paid off. These suspicious cast a* shadow of impropriety over had-working public servants at D.O.J. – the very result these prosecutors had tried to avoid with their warnings to the White House."

FOURTH: Kefauver Commission Warning Dated 1951:

Now see: "Third Interim Report of Special Committee to investigate Organized Crime in Interstate Commerce" Senate Report No. 307 82nd Congress, 1st Session (1951), P. 3 "The

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Kefauver Crime Investigating Committee warned Americans not to rely upon the central government to control organized crime but to use their grand juries to attack the problem in their own communities"

FIFTH: U. S. Attorney Manual RICO guideline "9-110.30 Approval of Organized Crime and Racketeering Section Necessary"

"—No criminal or civil prosecution or civil investigation demand shall be commenced or issued under RICO statute without prior approval of the Organized Crime and Racketeering Section Criminal Divisions"

SIXTH: Primary Obstruction of Justice/Conspiracy to Defraud the United States Clause and Sentence:

*"or **law enforcement organization** may refer a complaint against a union official or member by filing it with the G.E.B. attorney.*

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The G.E.B. attorney will investigate it and decide whether charges should be brought."

Both No. 5 and 6 are double jeopardy protections by the co/author of RICO guidelines (RICO defendant Luskin). Using his credibility, knowledge and political and criminal connections to defraud the United States (18 U.S.C. 371) by and through the corrupt use of a Congressional Act Organized Crime Control Act 1970 (RICO) and the corrupt use of its Title 18 and Title 29, 18 U.S.C. 1961 Subset Criminal Statutes.

Jurisdiction is not an issue at this point in time. This is what Kefauver warned about. This is an issue that must be attacked in its own "community" before it inevitably does more serious criminal damage. There is either one of two answers that a Grand Jury can reach in a matter of days. **One**, is petitioner Wall in violation of RICO predicate 18 U.S.C. 1961/18 U.S.C. 1510 (interference with a government investigation) or **Two**, is there an "Open Ended" conspiracy to defraud the United States committed

and protected by former and present D.O.J. officials some known and some unknown. And, therefore, petitioner Wall and the District of Connecticut plaintiffs are protecting themselves under their statutory right as "any person" under 18 U.S.C. 1964(c) against proximate harm by "Enterprise Racketeering Injuries".

The second answer will be obvious. The obligation to act pursuant to the power of a community Grand Jury will be foremost on their minds after a demonstration of Judicial and Executive Branch protections of an OCCA/RICO enterprise are exposed. The Grand Jury will have deep concerns about their District of Connecticut "Communities" susceptibility to massive direct and indirect harm in the protection of an OCCA/RICO Enterprise, which is what the Federal Judges and D.O.J. officials involved in this matter should have put first.

The "Operating Agreement" protection is not the protection of one crime. The RICO Enterprise by its nature does not stop its violations of 18 U.S.C. 1962/1961 because it is policing itself. The enterprise racketeering injuries continue to this day in violation of

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18 U.S.C. 1961(5). As this letter is being written, Coia's OCCA/RICO Enterprise in the District of Connecticut is extorting contractors 18 U.S.C. 1951 and embezzling membership money 29 U.S.C. 501(c). As stated prior this is not about jurisdiction, subject to a signed agreement with the D.O.J. and LIUNA, the Grand Jury should investigate the "Operating Agreement" itself to see if jurisdiction was criminally taken away from the District of Connecticut by violations of 18 U.S.C. 1962(b)(c)(d). This is a matter for a Federal Community Grand Jury to be made aware of, and your office has an obligation to present this letter with its attached December 15, 2004 letter addressed to Chief Judge Chatigny along with the RICO Complaint and Standing Order 3:04-CV91(WWE) to the Grand Jury.

A RICO Enterprise whose Governance Structure dates back to the effective date of RICO (October 15, 1970) can not be allowed to make multi million dollar bribes to criminally "Influence" politicians, who will then knowingly appoint Federal Judges who will protect the criminal behavior (Bridgeport Division) because of the multi million dollar bribes to the politicians and or their party

(membership money of a "captive labor organization") used to bribe, corrupt, and create a conspiracy to defraud the lawful functions of the United States in this matter both the Executive Branch and the Judicial Branch.

Extremely serious Federal crimes have been committed against the co/plaintiffs in 3:04-CV-91(WWE). Extremely serious federal crimes and federal allegations have been committed against this petitioner. Subject to the authority re: Bankers Trust v. Rhoades 859 Fed. Rep. 2d (2d Cir.) 1096 Id. 1104 referencing RICO and the Clayton Act.

> ***"That both statutes bring to bear the pressure of 'private attorneys general' on a serious national problem for which public prosecutorial resources are deemed inadequate".***

And, subject to the indisputable demonstration of Bridgeport Division Federal Judges criminal (Article II Sec. 4/18 U.S.C. 1503) obstruction of the pleadings by fraud and deceit. The plaintiffs and this petitioner have a Constitutional Right to Federal

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Grand Jury subject to the authority re: [Red Flag] Bivens v. Six Unknown Agents 403 U.S. 388

> ***"In such cases there is no safety for the citizen except in the protection of the Judicial Tribunals for rights which have been invaded by officers of the government professing to act in its name"***

In this Organized Crime Control Act matter, the protection of the petitioner and plaintiffs 5th Amendment Rights have by "officers of the government professing to act in its name" have corrupted the "Judicial Tribunals" see Boyd v. United States 116 U. S. 616,663

> ***"The fourth and fifth amendments are in pari material and must be read and construed together"***

The only "safety for the citizen" in this matter subject to the criminal 18 U.S.C. 371/18 U.S.C. 1503 corrupt use of a Congressional Act Organized Crime Control Act (1970) is the "safety for the citizen" to the "People's Panel" (Federal Grand

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Jury) in the meaning of Marbury v. Madison 1 Cranch 137, 163(1803)

> ***"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury"***

The civil liberty abuse in this (OCCA) matter is unprecedented the "claim" of "protection of the laws" has been obstructed 18 U.S.C. 1503 by confidential informants policing themselves pursuant to a signed agreement to do so with the Department of Justice. In addition and most importantly, magnifying the unprecedented civil liberty harm is the indisputable and demonstrated fact that the "Judicial Tribunals" have been contaminated by the 18 U.S.C. 371(conspiracy to defraud the United States). The three citizens civil liberty rights have been obstructed by acts of fraud and deceit by Federal Judges.

Therefore, for the foregoing reasons citizen petitioner Wall requests access to the foreman of the Grand Jury in order to "claim

protection of the laws" in the meaning of Bankers Trust Supra, Bivens Supra, and Boyd Supra; And, under the constitutional authority and 5th Amendment Right in the meaning of Marbury Supra. The corrupt use of a Congressional Act did deep and wide damage to the lawful functions of the United States. The only protection is a citizens right to the "Peoples Panel".

There is one F.R.C.P. 11(b)(3) inquiry request. That being, who was the A.U.S.A. who told Judge Daley in U.S. v. Lopreato, LeConche AKA Welch 3:97CR00190(TFGD) that defendant LeConche did not understand what he was doing. He just thought he was delivering money from Siti and Google to Lopreato. Every U. S. Attorney knew that Ronald LeConche AKA Welch has been a criminal confidential informant for over thirty (30) years. Intentionally kept from Hon. Judge Daley was the fact that about one or two years prior to U. S. v. Lopreato, LeConche, Ronald LeConche and five other individuals were ordered to pay back 680 thousand they fraudulently extracted from the Teamsters Union.

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In depositions taken in 2000 and 2001 in 3:97-CV-00942(JCH) testimony was given that criminal confidential informant LeConche was selling foreman or stewards jobs for the purchase of a $15,000 unit in Colonial Realty. Whoever the A.U.S.A. is who committed that obstruction and perjury to the Court, he is lucky Judge Daley passed away. There are Federal Judges who do not tolerate any contemptuous or dishonorable actions by U. S. Attorneys regarding their cases. Judge Daley was one of THEM. The petitioner in this matter respectfully requests the name of the A.U.S.A. pursuant to the direction of F.R.C.P. 11(b)(3) for a Due Process Claim. Said perjury to Hon. Judge Daley was committed in order to hide an Enterprise, which C.C.I. LeConche was a 30 year associate in fact of. The perjury to Judge Daley was for the purpose of giving the impression that Lopreato acted alone; In so doing saving Coia and his entire 18 U.S.C. 1961(4) OCCA RICO Enterprise from their hierarchal criminal exposure in the (8 million) 5 million in the Connecticut Enterprise Racketeering Pension Injury.

Please respond as soon as possible. These "exceptional circumstances" will be pleaded under the justification standard of Sup. CT. R. 20.1 and Sup. CT. R. 14(i)(vi). Subject to the six (6) full years of unprecedented civil liberty abuse, access to the foreman of a Federal Grand Jury is a Marbury v. Madison Civil Right and an obligation to your position to protect the United States from a conspiracy to defraud its lawful functions and its Rule of law.

RESPECTFULLY SUBMITTED BY:

GARY R. WALL, Rule 11(b)(1)(3) 5th Amend. Petitioner
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

Rule 14(i)(vi)/20.1 Copy of letter dated January 27, 2005 to United States Court of Appeals Second Circuit Chief Judge Second Circuit John M. Walker, Jr. 157 Church Street, New Haven, CT.

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06510 from Gary R. Wall Rule 11/5th Amendment petitioner 60 Carriage Hill Drive, Wethersfield, CT. 06109:

January 27, 2005

Chief Judge John M. Walker, Jr.

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

157 Church Street

New Haven, CT. 06510

RE: Circuit Panel for Appeal for 3:97-CV-00942(JCH) Bridgeport Division

Dear Honorable Chief Judge Walker:

Enclosed for Your Honor's review are four (4) letters. The first dated December 15, 2004 to Hon. Chief Judge Chatigny (Dist. Conn.) from Gary R. Wall; Second dated December 16, 2004 to Gary R. Wall from Hon. Chief Chatigny; third dated December 27, 2004 to Hon. Chief Chatigny from Gary R. Wall; fourth, also dated

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December 27, 2004 to Chief U. S. Attorney Kevin O'Connor, Esq.

From Gary R. Wall.

After reading the letters, it becomes clear and evident that the petitioner and the plaintiffs have been severely harmed for six full years plus by Extra Judicial Acts of Obstruction and fraud in the district of Connecticut and in the Second Circuit. You would think someone would be embarrassed by now. All of the documented and illustrated harm committed against the petitioner and the plaintiffs is being committed using the false appearance of Federal Judges integrity, against the take for granted ignorance in the meaning of knowledge of pro se litigates. The best example is Circuit Judge Straub's intentional and fraudulent opinion statement in 00-9004, that being, that the pro se's filed a motion for a new trial and its time computation motion at a 12(b)(6) Level. It is not what kind of a Federal Judge would do that – what kind of man would do that. The same man who in collusion with the Bridgeport Division concealed the Judicially treacherous act involving the intentional fraudulent post dating of a Civil Rights Act Complaint Action In Equity.

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Ever since Judge Nevas transferred 3:97-CV-00942(JCH) to the Bridgeport Division (October 23, 1997) documented and illustrated Extra Judicial Acts of Obstruction occurred. As time went on more flagrant and obvious, to the point of Judge Hall's latest Extra Judicial Act of Obstruction i.e. her August 31, 2004 Ruling, which was a reckless, obvious and hostile Judicial Act of Obstruction of Justice.

An 11(b)(3) investigation by this petitioner has exposed an entire division criminally influenced by a politically and criminally powerful OCCA/RICO Enterprise. At fault inter alios is former U. S. Attorney Judge Nevas influencing and using the Bridgeport division to commit Extra Judicial Acts of prosecutorial minded obstructions of the truth, statutes, and Constitutional Rights of the petitioner and plaintiffs, doing so in order to protect his former D.O.J. colleagues from their involvement in a politically corrupt buy out of a 212-page OCCA RICO Complaint (F.R.C.P. 11(b)(3) Statement). Judge Hall and Judge Eginton do not have the power or influence on their own, to commit the magnitude of multiple,

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obvious, flagrant Judicial Acts of Obstruction of the fundamental principles of the Justice System of the United States, that occurred by fact and illustration in the Bridgeport Division. Adding to the concern is the Second Circuits questionable integrity by reason of prior conduct. In addition to the fraudulent panel briefings (00-9004; 03-3117; 03-6091), is the fact that Your Honor's Circuit Executive refused to give the names of the Judges on the Judicial Council who found in favor (after a year) of Judge Hall and Judge Straub. Text June 29, 2004 letter to Gary R. Wall from Karen G. Milton Circuit Executive Second Circuit:

"Re: Complaints against Judges 03-8534 and 03-8535"

"I am writing in response to your letter of June 21, 2004. I understand that you are requesting the names and signatures of the Judicial Council members who ruled on the petition for review in the above referenced matters. Please be advised that the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers

under 28 U.S.C. 351 Chapter 111, Rule 8 has no provision to identify these members of the Judicial Council".

It is true there is no provision concerning the identity of the Judicial Council members reviewing violations of 28 U.S.C. 351. There is also no provision keeping it a secret. Any one would reason that any Judicial Council Judge on the Second Circuit would be honored to protect the integrity of a Circuit Judge and a district Judge from the severe averments of fraudulent Extra Judicial Acts of Obstruction illustrated and documented under penalty of perjury in the 28 U.S.C. 351 Complaint.

Rule 11(b)(3) evidence supports and logic creates concerns that no Judge on the Judicial Council saw the documented and illustrated Article II Sec 4 crimes committed by Judge Hall and Judge Straub, bringing this letter to its major premise (explanation). The petitioner understands that 28 U.S.C. 351 is not appealable federal statute to the Supreme Court. The petitioners citing of the 28 U.S.C. 351 are for a referral to the Ethics Controversies Panel (referral), only and as a protection in the selection process of the

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Circuit Panel (no case number yet) for district case 3:97-CV-00942(JCH).

Quoting Writ of Mandamus under Sup. CT. R 14(h)

> "The petitioner and the plaintiffs respectfully request the Ethics Controversies Panel by reason of the Exceptional Corruption Category circumstances, apply oversight to the selection process of the Circuit Panel that will hear the appeal in the Second Circuit, on the unlawful discipline claims, extra judicially obstructed by Judge Hall, not for any reason for any determination on the merits, but for the honesty of the makeup of assignment of the circuit panel"

Your Honor will be served with a copy of the mandamus when filed (matter of days) as a nominal respondent under Sup. CT. R. 29.5(c) and in compliance with 28 U.S.C. 1746(2). Please expedite this multiple judicial fraud case coming back to the Second Circuit off Wall, Cooksey v. Local 230 et al 224 F3d

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168(2d Cir. 2000). The conclusion cited as the last sentence in the mandamus is an explanation in fact.

> "It is very sad and shameful that a conspiracy to defraud the United States has exposed the inadequate power of 28 U.S.C. 455 and 28 U.S.C. 351"

The petitioner and the plaintiffs have followed the rules and have been polite and courteous to everyone involved, as are basic fundamental rights have been severely abused by the D.O.J./D.N.C. Judicial network of corruption, the reason for the directness of this letter.

Respectfully Submitted:

By: _____

GARY R. WALL, Rule 11 Petitioner

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

APP. P. 106.

c: Hon. Robert N. Chatigny

Chief U. S. Attorney Kevin O'Connor

Hon. Chief Judge Hogan, District of Columbia – 02-MS-354(DAR)

U. S. House of Representatives

Hon. Ellen Bree Burns

House Committee on Labor

(3)

Supreme Court, U.S.
FILED
MAY 12 2005
OFFICE OF THE CLERK

No. 04-1079

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2004

In re Gary R. Wall
Petitioner

ON PETITION FOR AN EXTRA ORDINARY WRIT TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR REHEARING

SUBMITTED BY:
GARY R. WALL, PETITIONER
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

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/

Petitioner respectfully petitions for a rehearing following this Court's denial of a petition for an Extra Ordinary Writ Mandamus to review the judgment of the United States Court of Appeals in, In re Gary R. Wall 04-1079; Second Circuit Case No. 03-3117 (Interlocutory 28 U. S. C. 1292(a)(1); District Case No. 3:97-CV-00942(JCH) (28 U.S.C. 455(a) application).

STATEMENT OF INTERVENING EVENTS/COMMUNICATION EXHIBITS SHOWING EXCEPTIONAL CIRCUMSTANCES IN THE MEANING OF SUP. CT. R. 20

The statement of intervening events concern Extra Judicial Acts of obstruction that were committed subsequent to the filing February 10, 2005 of the mandamus; Said intervening events for mandamus relief are evidenced by communication Exhibits in the Appendix to this instant petition for rehearing. Exhibit A through F, Exhibit A letter dated March 1, 2005 to Chief Judge District of Connecticut Robert N. Chatigny from petitioner Gary R. Wall "RE: Continued Judicial Obstruction (Bridgeport Division)" App. P. 1 – 7; Exhibit B letter dated March 14, 2005 to Chambers Honorable Chief Judge Robert N. Chatigny from petitioner Gary R. Wall "RE: Judicial Obstruction and Fraud Dismiss 3-04-CV91(WWE)" App. P. 7 – 11; Exhibit C May 9, 2005 letter to

Chambers Chief Judge District of Connecticut from petitioner Gary R. Wall "RE: Intervening Circumstances of a Substantial or Controlling Effect (post mandamus) in the Meaning of Extra Judicial Act of Obstruction of the Pleadings" App. P. 11 – 22; Exhibit D "Text: Order to Show Cause – May 5, 2005 U.S.D.J. Janet C. Hall (obvious, bold post denial of mandamus judicial obstruction) App. P. 22 – 23; Exhibit E "Text Plaintiffs Response to Order to Show Cause" (Response Dated May 9, 2005) (not for any determination entered just to show clear obvious embolden post denial mandamus Extra Judicial Acts of Obstructions) App. P. 23 – 30; Exhibit F letter dated May 9, 2005 to Chief U. S. Attorney District of Connecticut from petitioner Gary R. Wall "RE: 11(b)(1)(3) Inquire Request – Access to Federal Jury for Federal Statutory Harm from a Conspiracy to Defraud the Lawful Functions of the United States 18 U. S. C. 371" said letter was prompted by a non response to the same request on December 27, 2004; Exhibit F is enter in the Appendix for this rehearing App. P. 30 – 37. The December 27, 2004 letter was entered in the mandamus petition Appendix P. 78-98.

ARGUMENT

BACKGROUND CLARITY LEADING TO INTERVENING EVENTS

On May 7, 1997 an LMRDA Complaint was brought with an attorney 3:97-CV-00942(JCH) said Federal Complaint was first assigned to the New Haven division to an honest Judge who specialty is labor law (transferred Bridgeport Division 10/23/97).

While the case was progressing, two affiants were threatened and one was actually assaulted on tape. The other was threatened to be "shot six times in the head", when our attorney at the time realized that these serious federal crimes were being facilitated, he stated, "I am not afraid of getting hurt here but it is a concern" (stated on the record teleconferencing 3:97-CV-00942(JCH)).

There is no civil action attorney who would take a case against a RICO Enterprise being protected by a criminal agreement to defraud the lawful functions of the United States "Operating Agreement", which became obvious to our attorney and is obvious to <u>everyone</u> except the Federal Judges who protect their sociopolitical networks that caused the defraud of the Lawful Functions of the United States.

The LMRDA Complaint that the 28 U. S.C. 455(a) application originated from to this mandamus level was dismissed in 1999 by the same district Judge (Hall), please see remand Gary R. Wall, William Cooksey Sr. v. Laborers Local 230, Dominick Lopreato, Charles LeConche and John Pezzenti 224 F3d 168 (2d Cir. 2000. After the remand order came back, the plaintiffs for a two-year period (2001 and 2002) conducted discovery costing in excess of $25,000. Discovery still pending for 3 years District of Columbia case no. 02-MS-354(DAR) because of obstruction in the district of Connecticut (opportunity to be heard F.R.E. 201(e) on fraudulent judicial notice). After discovery was completed an application was filed April 30, 2003 titled "Plaintiffs Application for Disqualification of District Judge Janet C. Hall Pursuant to 28 U.S.C.A. 455(a)".

Two years of application to the Rule of Law to this rehearing mandamus level (8th year of litigation). In that time the petitioner and plaintiffs below have experienced by actual fact and occurrences, the protection of Federal Judges Extra Judicial Acts of obstruction and fraud, by other Federal Judges committing Extra

Judicial Acts of obstruction and fraud in order to protect their Judicial Network colleagues.

Not one Federal Judge defends their actions. They just obstruct and usurp Civil and Statutory Rights, by the intentional fraudulent misconstruction of the pleadings and dockets. The documented and illustrated facts and occurrences of Judicial Article II crimes demonstrated in the progression to this mandamus rehearing level are unthinkable including inter alia Federal Judges using their assumed Article III integrity against the assumed ignorance of pro se plaintiffs to protect the crimes of their sociopolitical judicial networks (D.N.C./D.O.J. Clintons). Including in this matter the monetary and political buy out of a 212-page RICO Complaint by an effective date, politically and criminally powerful, RICO Enterprise 18 U.S.C. 1961(4). Given self-policing "discipline" rights, subject to the "Operating Agreement" between the United States and LIUNA.

HARM AND ABUSE OF PRO SE RIGHTS

Exposed in 8 years of litigation, multiple cases in the Bridgeport Division District of Connecticut, multiple case 2d Cir., multiple cases Sup. CT. same gravaman issue "Operating

Agreement" D.O.J. LIUNA harm to the plaintiffs Title 18 harm and Title 29 Rights plus 5th Amendment harm. Also exposed is the documented fact that sociopolitical Judicial Networks (D.N.C., D.O.J., Clintons) control criminally either directly or by influence, pro se Standing Rights for Statutory and Civil Rights harm, all the way to the gates of the Supreme Court. That statement is subject to documented and illustrated facts and occurrences and an extensive F.R.C.P. 11(b)(1)(3) investigation.

Please see for "intervening events" of judicial obstruction and fraud Exhibits A – F. Please take special notice of Exhibit D "Text: Order to Show Cause" dated May 5, 2005. Please read next "Text Plaintiffs Response to Order to Show Cause" dated May 9, 2005, do so not for any legal determination but for one reason only, to review a clear, obvious embolden (post denial mandamus) intentional obstruction of pro se pleading. Please review the other communications Exhibits for reasons of "Exceptional Circumstances" in the meaning of Sup. CT. R. 20

USURPATION OF PRO SE RIGHTS EFFECTING STATUTORY AND CIVIL RIGHT ACCESS TO THE SUPREME COURT

This is the third time this petitioner and the plaintiffs below have been to the Supreme Court 01-1401, 01-1402, and this

instant matter 04-1079. In 01-1401, this Court was shown indisputable evidence of Extra Judicial Act sof fraud and obstruction of the pleadings. In 01-1402, this Court was shown indisputable evidence of the criminal docket extraction of a Civil Rights Act Complaint (Action in Equity) and its fraudulent postdating (inter alia). In this instant mandamus, protection of the high crimes committed by Federal Judges for their sociopolitical judicial networks (D.N.C., D.O.J., Clintons) is also indisputable causing great concern that the sociopolitical judicial networks effect even pro se access to the Supreme Court.

In addition to the amount of clear evidence showing sociopolitical judicial corruption in the Bridgeport division District of Connecticut, and in the Second Circuit (Court of Appeals and Judicial Counsel), is the fact by this Courts summary denial one sentence:

"The Court today entered the following order in the above entitled case: The petition for a writ of mandamus is denied". This Court has raised strong evidence in support that this Court also is being affected by the sociopolitical corruption whether by law clerks fraudulently briefing or some type of outside control of

the pro se filing system of the Supreme Court. No one is paying attention to pro se filings because they are almost always prison pro se filings (especially at this level). Not as in this matter where "exceptional circumstances" exist including (inter alia) a conspiracy to defraud the Lawful Functions of the United States. Also causing concern is the fact that by this Courts Summary Order, the Court let stand the intentional fraudulent misconstruction of fact and application of standard of review for a 28 U.S.C. 455(a) application to be applied. That being: "Abuse of Discretion" rather than the congressional directive and case authority standard of review "Impartiality Might Reasonably be Questioned". Compounding the concern of non-review by sociopolitical network obstruction is the fact that this Court lets stand the intentional improper standard of review for 28 U.S.C. 455(a) in the 2d Cir. by a strategically placed D.O.J. sociopolitical network Federal Judge, while a special committee appointed by Chief Judge Renquist is investigating whether the Judicial Branch can police itself under 28 U.S.C. 455(a). The only reasonable explanation for the avoidance of the issue is the D.N.C., D.O.J., Clinton's sociopolitical judicial network corruptly influencing pro

se access to the Supreme Court in 01-1401, 01-1402, and 04-1079. The standard of review 28 U.S.C. 455(a) was cited in questions No. 11 and Questions No. III Petition for Extra Ordinary Writ Mandamus. Also avoided was question IV – "to refer the Federal Court system Corruption to the Honorable William H. Renquist, Chief Justice of the United States Ethics Controversies Panel Chaired by the Hon. Stephen Breyer"--

CONCLUSION

By reason of 8 years of Federal litigation, same subject matter (harm to our statutory and Civil Rights by the corrupt use of a Congressional Act OCCA/RICO) and by reason of an extensive F.R.C.P. 11(b)(1)(3) inquiry and by reason of the documented extra judicial acts of misconstruction and fraud cited in the 28 U.S.C. 455(a) (inter alia) and by reasons cited as "intervening events" Exhibit A through Exhibit F and because of the "exceptional circumstances" documented and illustrated, this Court has an obligation to the INSTITUTION to protect pro se Rights to access to the Federal Court System without the obstructionist tactics of the sociopolitical judicial network in the meaning of Marbury v. Madison 1 Cranch 137, 163(1803)

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury"

This court also has an obligation to self police in the meaning of 28 U.S.C. 455(a) under the proper standard of review by referring the 28 U.S.C. 455(a) Complaint inside the mandamus (Question IV) to the Breyer Committee investigating the exact subject matter.

Therefore, the petitioner respectfully request this Court to Grant a rehearing to police 28 U.S.C. 455(a) and to investigate the obstruction of pro se Statutory and Civil Rights by sociopolitical judicial networks using their influence criminally effecting the INSTITUTION to the DOORS of the SUPREME COURT.

Respectfully Submitted By:

Gary R. Wall, Petitioner
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

CERTIFICATE

I certify pursuant to Supreme Court Rule 44.2 that this petition for rehearing is restricted to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented and that it is presented in good faith and not for delay.

Gary R Wall
60 Chauncey Hill Dr
Wethersfield CT 06109
860 529-2651

(4)

No. 04-1079

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2004

In re Gary R. Wall
Petitioner

ON PETITION FOR AN EXTRA ORDINARY WRIT TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

APPENDIX: PETITION FOR REHEARING

SUBMITTED BY:
GARY R. WALL, PETITIONER
60 Carriage Hill Drive
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860-529-2651

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Exhibit A – Letter Chambers Hon. Chief Judge Robert N. Chatigny

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Exhibit B – Letter Chambers Hon. Chief Judge Robert N. Chatigny

From petitioner Wall dated 5/14/05....App. P. 7 – 11

Exhibit C – Letter Chambers Hon. Chief Judge Robert N. Chatigny

From petitioner Wall dated 5/9/05.....App. P. 11 – 22

Exhibit D – Text: Order to Show Cause dated 5/5/2005 from

U.S.D.J. Janet C. Hall .....App. P. 22 – 23

Exhibit E – Text: Plaintiffs Response to Order to Show Cause

Dated 5/9/05 .....App. P. 23 – 30

Exhibit F – Letter to Chief U. S. Attorney Kevin O'Connor

Dated 5/9/05 from Petitioner Wall .....App. P. 30 -37

APP. P. 1

EXHIBIT A

March 1, 2005

CHAMBERS

Honorable Chief Judge Robert N. Chatigny

U. S. DISTRICT COURT

450 Main Street

Hartford, CT. 06103-9998

RE: Continued Judicial Obstruction (Bridgeport Division)

Dear Chief Judge Chatigny:

I am writing this letter to Your Honor because it is absolutely necessary to do so, because of serious new circumstances involving the continuation of judicial fraud and obstruction occurring from the Bridgeport Division.

Explanation and Illustration:

On or about February 17, 2005, both plaintiff Wall and plaintiff Cooksey (Wall v. Laborers' Local 230 3:97-CV-00942(JCH)) were sent "Notice of Appearance" and an "Acknowledgement Letter" from the deputy clerk for the Second Circuit. Enclosed with the "Acknowledgement Letter" was the "Public Docket for Second Circuit Court of Appeals", submitted by the Bridgeport Division to

the Second Circuit "corrections" were made to the "caption page" and sent to the Second Circuit per instruction of the acknowledgement letter. I have attached to this letter a copy of the public docket sheet, a copy of the February 22, 2005 letter to the deputy clerk of the Second Circuit, with its attached Caption page with corrections for Wall v. Laborers Local 230 05-0085-CV. Also enclosed is a February 23, 2005 "Public Docket Correction" letter to the deputy clerk for the Second Circuit.

Please take special notice of the multiple errors in the caption page correction. I did not elaborate on the errors with the Second Circuit clerk, because he is not responsible for them, the Bridgeport Division is responsible, and the multiple errors are not errors. They are a continuation of documented 6 full years of intentional and deliberate judicial frauds and deceptions to obstruct the truth and pleadings. Said (documented and illustrated) judicial frauds have become an obsession in the Bridgeport Division causing this petitioner to question the soundness of mind of the Federal Judge who is orchestrating these heinous and disgraceful crimes against pro se citizens plaintiffs of the United States.

APP. P. 3

Clarification

On page 2 of the "Public Docket", Shaun B. Cashman is cited as a defendant. Shaun B. Cashman was served a subpoena subject to testimony, in a prior deposition, stating that Mr. Cashman committed a 29 U.S.C. 530/18 U.S.C. 1951 assault on a LIUNA official (when he was a LIUNA official), who questioned suspicious union expenditures involving Cashman and Katz, a protective order was granted for Mr. Cashman by the Court. On page 4 of the Public Docket, the Department of Labor is cited as a defendant. This deliberate docket deception was committed in order to make the pro se plaintiffs appear reckless suing everyone. Presently Shaun B. Cashman is the Commissioner of Labor; State of Connecticut appointed by reason of a Governor Rowland (18 U. S. C. 1961(4)) racketeering scheme.

Next Public Docket Deception:

Also on page two of the public docket, Region 34 N.L.R.B. is cited as a defendant. Regional Director Hoffman was served a subpoena. Upon service of the subpoena Region 34 transferred three boxes of files to Washington, D.C., N.L.R.B. Special Litigation Department – the reason for 02-MS-354(DAR) District

of Columbia. In the interim, the Bridgeport Division granted a protective order for Region 34, but the files are still in the District of Columbia, judicial notice stalled, subject to a decision on Fed. R. Evidence 201 Opportunity to be Heard.

Also on page two of the public docket, William Cullina is cited as a defendant. William Cullina was deposed, questioned about his law firm's involvement in the fraudulent depletion of Wall and Cooksey's pension and the Colonial Realty pension scheme. Also on page two, both executive directors Richard Weiss and the Connecticut Laborers' Pension Funds are not defendants in 3:97-cv-00942(JCH) now 05-85CV 2d. Cir. Subject to the depositions of Richard Weiss both Richard Weiss and the Connecticut Laborers Pension fund are defendants (18 U. S. C. 664; 18 U. S. C. 1341; 18 U. S. C. 1343; 18 U.S.C 1962(d)(c)) in the separate but related OCCA RICO Complaint 3:04-CV91(WWE). The judicial docket deceptions and extrinsic fraud involving Weiss and the CLFP were deviously committed in 3:97-CV-00942(JCH) in order to obstruct 03:04-CV91(WWE) by reason of res judicata. It is absolutely disgusting the time and thought a Federal Judge put into that degrading obstruction scheme.

Sherly M. McLaughlin is not a defendant. Ms. McLaughlin was issued a subpoena and was deposed represented by A.U.S.A. Lauren Nash. Ms McLaughlin was deposed in her capacity as an inspector for the D.O.J./LIUNA Operating Agreement. Ms. McLaughlin was one of two former Federal agents deposed. Adding to the judicial manufactured confusion, on page one of the Public Docket it states, "Appeal from: District of Connecticut (New Haven)." How can anyone make a mistake of that kind sending the Public Docket from the Bridgeport Division second time in six (6) years citing it is coming from the New Haven Division; Judicial manufactured confusion and obstruction from the base cheap level of Public Docket fraud and docket sheet fraud to the insidious sophisticated judicial frauds committed through fraudulent obstructions of the actual pleadings. This petitioner takes great care in precision pleading respecting the rights of everyone involved.

The petitioner respectfully request relief from the

UNPRECEDENTED

USURPATION OF OUR FUNDAMENTAL RIGHTS being committed in the Bridgeport Division, caused by the corrupt use of a Congressional Act and the political and monetary buy-out of a 212-page OCCA/RICO Complaint. The petitioner and the plaintiffs do not want to file a Civil Rights Act suit against the politically corrupt and RICO influenced Bridgeport Division but we can't be the only ones who RESPECT and FOLLOW the RULES. This petitioner has an abundant amount of documented incriminating evidence pursuant (inter alia) to a two year F.R.C.P. 11(b)(3) investigation supporting those serious averments. In the interest of the Justice System of the United States, the petitioner and the plaintiffs respectfully request Your Honor in Your Honors position of Chief Judge, protect the plaintiffs from the criminal actions of the Bridgeport Division.

This petitioner takes no pleasure in writing these letters to Your Honor. This matter for Judicial Policing became known post Supreme Court mandamus. It is the beginning of another criminal scheme to obstruct the pleadings by the Bridgeport Division 3:97-CV-00942(JCH) effecting 05-85-CV; 3:04-CV-91(WWE) making this letter an absolute necessity.

APP. P. 7

A copy of this letter and its attachments is being sent to the Chief Judge of the Second Circuit due to the fact that the docket fraud effects 05-85-CV Second Circuit. A copy of this letter is also being sent to the Honorable Thomas Hogan, Chief Judge District of Columbia due to the fact that docket fraud could and will, if not clarified and corrected, effect 02-MS-354(DAR) District of Columbia.

Respectfully Submitted:_____

Gary R. Wall, Rule 11 (b)(3) Petitioner

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

EXHIBIT B

March 14, 2005

CHAMBERS

Honorable Chief Judge Robert N. Chatigny

United States District Court

450 Main Street

Hartford, CT. 06103-9998

RE: Judicial Obstruction and Fraud Dismiss 3:04-CV-91(WWE)

APP. P. 8

Dear Chief Judge Chatigny:

Thirteen days ago, I sent Your Honor a letter titled: "RE: Continued Judicial Obstruction (Bridgeport Division)." The primary subject matter of the letter concerned intentional Public Docket deception committed in the Bridgeport Division, which is part of a multi case pattern of judicial collusion by Federal Judges in the Bridgeport Division to knowingly violate their Article III Oath by committing multiple documented and illustrated Extra Judicial Acts of Fraud and Misconduct in order to conceal political corruption that caused Department of Justice corruption (OC Division) see background Wall, Cooksey v. Local 230 et al 224 F3d 168.

The March 1st letter to Your Honor involved Extra Judicial Acts of Misconduct concerning 3:97-CV-00942(JCH) remand case off 224 F3d 168 Supra. This subsequent and absolutely necessary letter concerns Extra Judicial Acts of Judicial Fraud and intentional misconstruction of the pleadings, in the fourteen month old OCCA RICO Complaint and Standing Order Wall, Cooksey, Manos v. LIUNA et al 3:04-CV-91(WWE).

Enclosed with this letter is the Bridgeport Division "Ruling On Defendants' Motion to Dismiss", "Filed March 1, 2005" also enclosed is Plaintiffs 59(e) Response to said Ruling titled:

"Plaintiffs F.R.C.P. 59(e) Memorandum of Law in Response to the Courts March 1, 2005 ruling on Defendant's Motion to Dismiss"

APP. P. 9

F.R.C.P. 9(b) Scienter Statement: On October 23, 1997 Chief Judge at the time Allan H. Nevas, transferred 3:97-CV-00942 from (Honorable Judge Arterton New Haven Division) to Judge Hall 3:97-CV-00942(JCH). One week after Judge Hall was confirmed, the plaintiffs were Judge Hall's first plaintiffs. Pursuant to an 11(b)(3) investigation many facts point to Judge Nevas as the primary cause of the Judicial Crimes.

The primary motive of Judge Nevas is to conceal his former D.O.J. colleague's involvement in a criminal conspiracy to defraud the United States "Operating Agreement". The latest indisputably reckless and obstructionist ruling out of the Bridgeport Division is so flagrant and obvious that it is a complete disgrace and dishonor to the Federal Judicial System. Judge Nevas has contaminated multiple cases in the Bridgeport Division that involve directly or indirectly the "Operating Agreement" between the United States and LIUNA. Judge Nevas has done so in a stealthy manner using law clerks or using Judges under his influence to obstruct the pleadings (documented and illustrated). This petitioner realizes that Judge Nevas is a very powerful man, but he should not be more powerful than the Constitution he took an Oath to protect. Judge Nevas stealthy High Crime Article II Sec. 4 Actions are the acts of a zealot prosecutor, with a black robe on, not a real Federal Judge.

Please be advised that at the proper time a Civil Rights Act suit will be filed subject to the status of the Sup. CT. R. 20 Mandamus In re Wall 04-1079 against Judge Nevas, Hall and Eginton for

usurpation of our Civil and Statutory Rights in violation of the Constitution's Article III Oath for "High Crimes" committed in the meaning of Article II Sec. 4. ((*11)(b)(3) Investigated and Documented inter alia).*

The petitioner and the plaintiffs would prefer not to file the Civil Rights Act Complaint. Therefore the petitioner respectfully request Your Honor remove the two pending cases under the obstructionist tactics of Judge Nevas from the Bridgeport Division. As stated in prior letters the plaintiffs in the multiple cases have always conducted themselves in a polite manner and have followed the rules explicitly, and we will continue to do so. But, we must be direct when our Civil Liberties and Rights are being violated in this uncaring and reckless manner by Federal Judges in the Bridgeport Division.

Please take the time to read the March 1st Ruling and the 59(e) Motion in response, not for any legal determination but for the express purpose of Judicial policing of the Article II Sec. 4 High Crimes, and in so doing, let Your Honor position, as Chief Judge District of Connecticut, and Your Honor's good conscious be Your Honor's guide.

In ending, if jurisdiction is denied on the Sup. CT. R. 20 Mandamus, and or if the Breyer Committee investigating Ethics violations of 28 U. S. C. 455/28 U. S. C. 351 are not pursued by the committee, the petitioner will file this instant letter with the March 1, 2005 ruling and the plaintiffs 59(e) Motion in response,

under Sup. CT. R. 44(2)'s rehearing clause, "----intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented."

This petitioner would prefer not to do so, but all legal remedies must be exhausted by reason of the unprecedented breach of our Constitutional Rights having been committed by EXTREME, FLAGRANT, Extra Judicial Acts of Obstruction and Fraud in the Bridgeport Division.

Please do not forget that an effective date OCCA/RICO enterprise has full knowledge, by participation in the pleadings, that they have criminally "influenced" the Bridgeport Division.

Respectfully Submitted:
Gary R. Wall, Rule 11 Due Process Petitioner

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

EXHIBIT C

May 9, 2005

CHAMBERS

Robert N. Chatigny,

CHIEF JUDGE

U. S. COURTHOUSE

APP. P. 12

450 Main Street

Hartford, CT. 06103-9998

RE: "Intervening Circumstances of a Substantial or Controlling Effect" (post mandamus) In the Meaning of Extra Judicial Acts of Obstruction of the Pleadings.

Dear Chief Judge:

This letter is being written to Your Honor as a follow up letter concerning my March 1, 2005 letter "RE: Continued Judicial Obstruction (Bridgeport Division 3:97-CV-942(JCH)) and my March 14, 2005 letter "RE: Judicial Obstruction and Fraudulent Dismissal 3:04-CV-91(WWE).

Both letters concern the continuation of "intervening circumstances" in the meaning of arrogant and flagrant Extra Judicial Acts of Judicial Obstruction and Fraud occurring after the filing and service of the mandamus.

As stated in the March 14, 2005 letter to Your Honor (quoted in italics for clarity):

"In ending, if jurisdiction is denied on the Sup. CT. R. 20 Mandamus, and or if the Breyer Committee investigating Ethics

violations of 28 U. S.C. 455/28 U. S. C. 351 are not pursued by the committee, the petitioner will file this instant letter under Sup. CT. R. 44(2)'s rehearing clause – intervening circumstances of a substantial or controlling effect or other substantial grounds not previously prosecuted".

On April 18, 2005 said mandamus was denied, and the Breyer Committee is silent. Therefore, this letter and a letter dated this same day to Chief U. S. Attorney Kevin O'Connor has become necessary and vital to the protection of our basic fundamental Civil Rights. This is an extremely shameful situation in the district of Connecticut caused by one Federal Judge protecting his former D.O.J. colleagues and "reliable 30 year government informants" from their involvement in the corrupt use of the Organized Crime Control Act 1970 (RICO).

PRELIMINARY FACTUAL CONTENTIONS F.R.C.P. 11(b)(3) INVESTIGATION

One of the most important findings subject to the 11(b)(3) inquiry was the finding of Extra Judicial obstructionist use of law clerks; Very dangerous to the well being of the Judicial Institution itself and the United States. It has been over six months since this

petitioner made the following statement to Your Honor (quoted from October 23, 2004 Letter in italics):

"in said recent communications to Your Honor, the petitioner raised the issue of improper actions by law clerks in Your Honor's district. There has been clear evidence of a facile showing to Your Honor demonstrating that fact. Said improper acts are being committed by direction of Federal Judges in the district of Bridgeport, who are using the law clerks to intentionally undermine and obstruct pro se pleadings committing Extra Judicial Acts of intentional misuse of law clerks. No more serious press. They just continue to obstruct the multiple complaints LMRDA; *"High Crimes" can be committed than to usurp pro se citizens Rights in that criminal manner."*

Please take notice that all three Federal Judges in the Bridgeport Division (Nevas; Hall; Egington) are afraid to defend their integrity by calling a hearing and inviting the Civil Right Action In Equity; RICO. Federal Judges obstructing and hiding. In some Third World Countries Federal Judges wear a hood. That comparison is appropriate considering the documented and illustrated evidence filed in the Bridgeport Division that was

obstructed by Extra Judicial Criminal Acts that cause severe harm to our basic Civil Liberties and Rights.

As for the condition of safety of our persons, we have had to tolerate the Extra Judicial Criminal protection of serious Title 18 and Title 29 criminal violations by the Bridgeport Division. As for just facile examples, obtained by subpoena, communication to the U. S. Attorney Office Chicago via "Operating Agreement" by the officers of Local 230 accusing this petitioner of murder, shooting out windows of cars and baseball batting a business agent multiple assaults and multiple Hobbs Act violations. Also subpoenaed was a tape of union meeting where an officer read out loud to the membership said communication, accusing this petitioner of murder, shooting out windows, and baseball bat assault. During said union meeting in full presence (Podium and front row) to the membership are Federal Agents in the meaning of 18 U. S. C. 1961(7) Also present signatory to the "Operating Agreement" with the D.O.J., Vere O. Haynes; all allegations proven false by approximately two years of discovery cost $25,000.00. But the plaintiffs are still labeled "Barred" by the officers of Local 230 and LIUNA of the $25,000.

Plaintiff Cooksey on disability let his car go in order to pay his share. Plaintiff Cooksey had his medical and psychiatric records taken from the Connecticut Laborers Pension Fund illegally, without his knowledge and read out to the membership by an officer, who portrays him as dangerous even though his condition was just a depression. The defendants later issued fraudulent subpoenas to hide their heinous crime. Said subpoenas proved to be fraudulently dated and fraudulently fabricated after the fact. The brutal assault of plaintiff Manos on tape ending with the phrase The Hobbs Act was writing for "We Own You" protected by the Court.

Only a corrupt prosecutorial mind would facilitate such criminal actions. To allow a Federal Judge to do so or to stay silent is to accept Third World Injustice, which the plaintiffs respectfully cannot do.

The degree of arrogance and disrespect for the Rule of Law in the Bridgeport Division, brings this petitioner to question the soundness of Judge Nevas mind influencing other Federal Judges and Law Clerks to commit the sophisticated and sometimes petty crimes against our Rights. The use of law clerks by lifetime

appointed Judges is a serious matter that should be immediately looked into.

Judge Nevas dishonest contamination of the Bridgeport Division also explains why the defendants are allowed for years to violate a signed agreement with the Department of Justice allowing them to openly embezzle membership money to defend against their Federal Criminal Statutory Actions. Quotes in italics from "LIUNA Ethics and Disciplinary Procedure" dated 4/01, in its relevant part:

--"in order to accomplish more fully the purposes of LUINA Ethical Practices Code, and the LIUNA Ethics and Disciplinary Procedure, it is hereby declared to be the policy of General Executive Board that union funds may not be used for the payments of the legal fees or expenses for the representation of any officer, member, or employee at any stage of a criminal matter or at any stage of a civil action claiming a breach of fiduciary duties prior to the resolution of the allegation or charge".

Therefore, subject to the documented and illustrated evidence sent to Your Honor in multiple mailings pursuant to F.R.C.P. 11(b)(1)(3), for a Civil Right Complaint against the Bridgeport

Division (inter alios) – this petitioner respectfully request that Your Honor exercise Your Honors institutional police powers as Chief Judge of the District of Connecticut. And in doing so, stop the Judicial obstruction and frauds occurring in the Bridgeport Division.

As an immediate matter, please expedite the intentional frauds on the "Public Docket Sheet" illustrated to Your Honor in the March 1, 2005 letter related to 3:97-CV-00942(JCH). Please take notice in the March 1, 2005 letter that the "Public Docket Correction Letter" to the Second Circuit is dated February 23, 2005. This is one of many stall tactics perpetrated on the plaintiffs by DNC/DOJ influenced network of Judges. Multiple district level litigation, multiple litigations Second Circuit, multiple litigations Supreme Court 01-1401; 01-1402; 04-1079; District of Columbia Subpoena power case 02-MS-354(DAR) exposed a network of Judges and Network of Law Clerks who either directly or by influence make legal determinations based on sociopolitical reasons.

This is why there is such a fight concerning Federal Judges. The network affiliation is Sub Rosa, which uses their life time signature for the networks sociopolitical reasons. Please take notice that

since the first Nevas transfer October 23, 1997, the Court has never tried to sanction this petitioner/Rule 11 plaintiff, and the Justice Department has not tried to indict this petitioner for RICO predicate 18 U. S. C. 1510 interference with a Government Investigation ("Operating Agreement" LIUNA/D.O.J.) 18 U. S. C. 1961(8). Because you can't sanction the truth at a hearing and you can't indict the truth at an arraignment, the only way left is to hide by further and more flagrantly; malicious Extra Judicial acts of obstruction and fraud, which is occurring post mandamus the last two rulings.

YOUR HONORS NON-RESPONSE TO ILLUSTRATED JUDICIAL CRIMES IN YOUR HONORS DISTRICT

Your Honor has not responded to the progression of letters to Your Honors illustrating a consistent abuse of our Rights in the Bridgeport division. One of the letters dated December 27, 2004 filed in the mandamus appendix pages 71-78; the other two are filed in the rehearing appendix March 1, 2005, pages March 14, 2005 pages.

Your Honor has been shown documented and illustrated flagrant and insidious judicial acts of corruption and fraud occurring to this day in the two cases pending in Your Honors Bridgeport Division. Judge Hall in 3:97-CV-00942(JCH) has committed by Nevas influence or directly for reasons of sociopolitical influence, unthinkable violations of her oath as a Federal Judge and moral worth as a human being. As stated in the January 27, 2005 letter to the Chief Judge of the Second Circuit (copy sent to Your Honor) also entered mandamus appendix page 99-106 relevant part of page 101 quoted in italics:

"Ever since Judge Nevas transferred 3:97-CV-00942(JCH) to the Bridgeport Division (October 23, 1997) documented and illustrated Extra Judicial Acts of Obstruction occurred. As time went on more flagrant and obvious, to the point of Judge Hall's latest Extra Judicial Act of Obstruction i.e. her August 31, 2004 Ruling, which was a reckless, obvious and hostile Judicial Act of Obstruction of Justice".

Political buy out of a 212-page RICO Complaint. The severity and boldness of the Judicial Crimes in the Bridgeport Division includes post mandamus, Judge Hall's flagrant intentional fraudulent

misconstruction of the pleading in her August 31, 2004 Rule (3:97-CV-00942(JCH)), her docket fraud (Public Docket Sheet to Sec. Cir.) made known seven (7) days after the filing of the mandamus is an intentional act of obstruction of Justice by Judge Hall using pro se plaintiff status to hide her heinous crimes. Judge Egington ruling, whoever wrote it by any standard is totally incompetent. Lifetime appointments of Federal Judges as in these circumstances can be very dangerous to Federal plaintiffs.

Finally: Judge Halls intentional obstructionist Order to Show Cause dated May 5, 2004 received today May 8, 2005 attached to this letter to Your Honor with the plaintiffs response not for any legal determination on the pleading but for the reasons of showing the continued bold, flagrant and criminal Extra Judicial obstructionist tactics employed by the Bridgeport Division. Your Honor has both a position (Chief Judge) and Canon obligation to Your Honor's Article III Oath to stop this Third World Injustice. It is very wrong for Your Honor to stay silent and watch this Third World abuse. Please respond immediately.

Submitted By: _____

Gary R. Wall, Rule 11 (b)(1)(3) Civil Rights Petitioner

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60 Carriage Hill Drive, Wethersfield, CT. 860-529-2651

EXHIBIT D

TEXT: ORDER TO SHOW CAUSE – MAY 5, 2005
U. S. D. J. JANET C. HALL

"The plaintiffs are hereby ordered to show cause why they have failed to comply with this court's scheduling Order (DKT. No. 281), and why such failure should not be sanctioned.

In that Order, the court directed that the plaintiffs were to file a status report "within four business days of receipt of any ruling(s) received by them from the United States Supreme Court with regard to this mandamus petition." Id at p.2. This court was informed that on April 18, 2004, the United States Supreme Court denied the Petition for Mandamus. Therefore, the plaintiffs should have advised the court and opposing counsel of the same by way of a status report filed on or about April 28, 2005. To date, there is no such status report filed on the docket of this court.

In addition to responding to this order to show cause, the court reminds all parties that its scheduling Order is in effect as set forth in referenced scheduling Order with respect to compliance with the pretrial order (Dkt. No. 264). Given the failure of the plaintiffs to file the status report notifying everyone of the denial

of the petition for Mandamus, the court hereby sets the due date for the filing of the Final Pretrial Order as 30 days from today, or June 3, 2005. A pretrial conference will be held on **JUNE 13, 2005 AT 10:00 a.m.** The court expects to try the case in August or September, but will issue a firm trial date at a subsequent time.

Failure of a party to comply with the Final Pretrial Order will result in sanctions, most likely the dismissal of the plaintiffs' claims or an entry of a default against a defendant.

SO ORDERED.

Dated at Bridgeport, Connecticut this 5th day of May, 2005.

Janet C. Hall USDJ"

EXHIBIT E

TEXT PLAINTIFFS RESPONSE TO ORDER TO SHOW CAUSE (RESPONSE DATED MAY 9, 2005:

COURTS CONTINUED
OBSTRUCTIONIST TACTICS

Accurately put, the plaintiffs did not comply with this Court's Scheduling Order because as of December 17, 2004 a notice of appeal in 3:97-CV-00942(JCH) was filed. By letter dated February 17, 2005 an "Acknowledgement Letter" was sent to the

plaintiffs acknowledging inter alia that the district file was in the Second Circuit, Case No. 05-CV-85 2d Cir. meaning this court no longer has jurisdiction. In response to the first sentence in the Court's ORDER TO SHOW CAUSE (dated May 5, 2005) quoted in italics for clarity:

"The plaintiffs are hereby ordered to
show cause why they have failed to
comply with this Court's
Scheduling Order (DKT. No. 281)
and why such failure should not be
sanctioned"

See next Dkt. #282 quoted off the docket sheet in italics for clarity:

"Notice of Appeal as to 280 order on Motion for Reconsideration by William Cooksey, Gary R. Walls filing fee $255.00 receipt number B009344. Certified Copy of Docket and copy of N.O.A. mailed to U.S.C.A. (Warren C.) (Entered 12/28/04)".

This is another Extra Judicial Act of Fraudulent Misconstruction of Fact and the Pleadings. Part of a documented and illustrated systematic plan to obstruct pro se pleadings using

the assumed integrity of Federal Judges against the assumed ignorance of pro se plaintiffs.

Motive being: protect the sociopolitical networks (D.N.C., D.O.J., Clintons) from their documented and illustrated conspiracy to defraud the Lawful functions of the United States ("Operating Agreement" buy out 212-page RICO Complaint).

This Court has an obligation to respond to this response immediately and in so doing, inform the plaintiffs' how the Court is going to have a pre-trial conference when the entire file is in the Second Circuit waiting for a scheduling order in 05-CV-85 2d. Cir.

This is another clear example of this Court intentional obstruction of the pleadings using the assumed integrity of a Federal Judge against the assumed ignorance of citizen pro se plaintiffs. This Courts obstructionist tactics (in their 8th year) have been so flagrant and reckless that your corrupt intentions can be perceived subject to your actions.

Example: The true reason for this Courts obstructionist "ORDER TO SHOW CAUSE" is to bring the LMRDA Complaint May 7, 1997 down to one issue membership. Then at the June 13, 2005 pre-trial conference suggesting by showing authority (regarding

one issue) that the defendants should grant membership and in so doing dismissing the case. In order to do that, this Court would have to have no regard for the Rule of Law and the opinion concerning membership in Wall, Cooksey v. Local 230 224 F3d 168(2d Cir. 2000). This Court would also have to have no regard for the Appellate process 05-CV-85 2d Cir.; 04-1079 In re Wall Sup. CT. Rule 44.2 Motion.

Membership without a finding of unlawful disciple is the insidious tactic at this stage of litigation (5 years from remand 224 F.3d 168 Supra) employed by this Court to protect the unlawful discipline that did occur documented and illustrated by approximately two years of depositions costing $25,000, which documented to this Court, union officers as the Governance Structure labeling as of 1995 the plaintiffs "Barred" in communication to the U. S. Attorney Office via the "Operating Agreement" and out loud to the membership (on tape) accusing plaintiff Wall of murder, shooting out windows of cars, baseball batting a business agent and multiple assaults and Hobbs Act violations accusing plaintiff Cooksey of being with Wall a "Majority of the Time". In the same breath from the podium,

accusing plaintiff Manos of making up his brutal assault. The expensive discovery proved all the allegations against Wall were fabricated in order to label Wall and Cooksey "Barred" and the expensive discovery also proved plaintiff Manos did not make up a story that he was assaulted and threatened, in the meaning of the Hobbs Act when he was our affiant. The expensive discovery also showed that our other affiant was threaten to be "shot six times in the head" (Mr. Gene Julian).

This Courts Extra Judicial Act to intentionally avoid documented evidence and in so doing chose to dismiss the unlawful discipline, is not an act of abuse of discretion. It is an intentional Extra Judicial Act of Misconstruction of the pleading and usurpation of the plaintiffs' Civil Rights.

All this intentional judicial obstruction has to stop. A copy of this response will be sent to the Chief Judge, district of Connecticut, as part of a F.R.C.P. 11(b)(1)(3) evidence for a Civil Right Act Complaint. Also requesting the Chief Judge police and stop your obstructionist acts, listening to Judge Nevas corruption influence in the Bridgeport Division has destroyed your integrity. The Judicial Crimes you have committed against us are

unthinkable for an Article III Official to commit. You started your career October 23, 1997 committing intentional criminal obstructionist acts (documented and illustrated) and you continue to do so to this day. It is this Rule 11 plaintiffs findings, subject to fact and actual occurrences, that your sociopolitical networks that put you on the bench, criminally controls the appeal process all the way, including the gates of the Supreme Court of the United States (will be cited in the Rule 44.2 Motion and to the Breyer Committee).

The pretrial conference and pretend trial on membership issue is a criminal judicial ploy meant to burden the plaintiffs and obstruct reviews of the criminal and civil circumstances in the LMRDA Complaint, stealing and usurping our Statutory and Constitutional Rights.

All the documented averments against you, and you just hide behind intentional obstructions and judicial manufactured confusion, hiding from your flagrant open and bold Extra Judicial Acts of Criminal Obstruction. You promised on the record prior to the dismissal of the LMRDA discipline claims, that oral argument would be granted, that turned out to be an intentional lie for fear of

what would be exposed in the hearing (Network Sociopolitical Influence used criminally). You now have to defend obvious and flagrant Extra Judicial Criminal actions from being exposed during a jury trial. To stop it you manufacture confusion and later blame the pro se's for the confusion. All the time allowing the defendants to use embezzled membership money to defend against their crimes in your Courtroom, knowing they are using embezzled money to do so in violation of a signed agreement with the Department of Justice.

Your immediate correction of your intentional obstructionist ORDER to show cause is an Absolute Constitutional Right. Your immediate cancellation of the June 13, 2005 pretrial conference subject to non-jurisdiction is also an absolute Constitutional Right. You cannot abuse and usurp our Rights to this degree and amount of time an expect us to stay silent.

SUBMITTED BY:

GARY R. WALL, Rule 11 Pro se plaintiff

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

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WILLIAM COOKSEY SR, Pro se plaintiff

1097 Maple Avenue

Hartford, CT. 06114

EXHIBIT F

May 9, 2005

Chief United States Attorney

District of Connecticut

Kevin O'Connor, Esq.

157 Church Street

New Haven, CT. 06510

RE: 11(b)(1)(3) Inquire request – Access to Federal Grand Jury for Federal Statutory harm from a conspiracy to defraud the lawful functions of the United States 18 U. S. C. 371

Dear Chief O'Connor:

This follow up letter to you is being written to you because you have not responded to my December 27, 2004 letter (also entered in mandamus appendix pages 79-98 Sup. CT. Case No. 04-1079 In re Wall).

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This is a very serious matter concerning the usurpation of this Petitioners Civil Rights and plaintiffs Cooksey and Manos Civil Rights, caused by a conspiracy to defraud the lawful functions of the United States that being; the "Operating Agreement" between the Department of Justice OC Division and LIUNA.

Compounding said conspiracy to defraud the United States is the F.R.C.P. 11(b)(1)(3) fact, that Senior Judge Alan Nevas former U. S. Attorney, District of Connecticut O.C. Division, has been criminally obstructing this petitioners and plaintiffs Manos and Cooksey's cases Sub Rosa from his Bridgeport Division since October 23, 1997 (first transfer Judge Aginton to Judge Hall). Said criminal obstructing is being committed by Judge Nevas even though the cases are not assigned to him. He has committed these serious criminal actions by corruptly using law clerks in the Bridgeport Division to undermine and obstruct, doing so with the knowledge of two other Judges in the Bridgeport Division. That averment against Judge Nevas criminal actions is in compliance with F.R.C.P. 11(b)(1)(3).

As stated prior in this letter the December 27, 2004 letter to you from this petitioner was entered in the Sup. CT. Mandamus

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Appendix pages 79-98. Said mandamus was denied April 18, 2005 – an immediate Rule 44.2 Motion will be filed incorporating the intervening criminal obstructionist tactics in the Bridgeport Division and the non-response from your office to access to a Federal Grand Jury.

This unprecedented situation involving the criminal buy out of a 212-page RICO Complaint involving the Department of Justice, and the protection of fraud against the United States by former D. O. J., U. S. Attorney O.C. Division, now Senior Federal Judge Alan Nevas is ample justification for access to a Federal Grand Jury to protect our fundamental civil liberties from disgraceful Third World Executive and Judicial Branch obstruction tactics. No one is powerful enough not to be disgraced for his or her criminal actions. There are some D. O. J. officials who should be disgraced here and Federal Judges who should be disgraced. Their colleagues are not going to do it. This is the meaning of the Kefauver Commission warning dated 1951 App. P. 88, 89. See: "Third Interim Report of Special Committee to investigate Organized Crime in Interstate Commerce" Senate Report No. 307 82nd Congress, 1st Session (1951), P. 3 *"The Kefauver Crime*

Investigating Committee warned Americans not to rely upon the central government to control organized crime but to use their grand juries to attack the problem in their own communities".

This petitioner and plaintiffs Cooksey and Manos have an absolute Constitutional and Statutory Right to a Federal Grand Jury. Constitutionally in the meaning of Marbury v. Madison 1 Cranch 137, 163:

"The very essence of civil liberty consists in the right of every individual to claim the protection of the Laws, whenever he receives an injury".

Statutorily this petitioner and plaintiffs Cooksey and Manos have a Right of Statutory protection as "any person" under 18 U. S. C. 1964(c) for violations of Federal Criminal Law under Title 18 and Title 29 as "private attorney generals" see as authority Bankers Trust v. Rhoades 859 Fed Rep. 2d (2d Cir.) 1096 ID 1104 referencing RICO and the Clayton Act.

"That both statutes bring to bear the pressure of 'private attorney generals" on a serious national problem for which public prosecutorial resources are deemed inadequate" see also for

authority as "private attorneys general" Sedima v. Imrex 473 U. S. Id 496.

The need for access to a grand jury is also compounded by the fact that the statutory harm committed against the petitioner and plaintiffs is being caused by a conspiracy to defraud the Lawful Functions of the United States through the corrupt use of a Congressional Act, the Organized Crime Control Act 1970 (RICO) violating 18 U. S. C. 371 inter alia. Said 18 U.S.C. 371 conspiracy has corruptly influenced Federal Judges in the Bridgeport Division. The protection of the judicial crimes of protection of a RICO Enterprise has corrupted Law Clerks, other Federal Judges and the Institution itself. A disgraceful and reckless contamination of the judicial institutions integrity caused by Judge Nevas (inter alios) criminal obstructionist tactics for reasons of protecting his colleagues documented and illustrated criminal actions.
Judge Nevas corruptionist tactics have contaminated the entire institution, district level to the Supreme Court, as Kefauver warned Americans, only Grand Juries can protect against the central government when it is influenced by political and criminal conspiracies.

Therefore, standing for protection of harm to our Title 18 and 29 Rights is under 18 U. S. C. 1964(c). Standing as citizens of the United States against a conspiracy against the Lawful functions of the United States involving persons in the Executive Branch and Judicial Branch Standing is only by access to a Federal Grand Jury. Please take this letter as notice also if you decide not to grant access to the Grand Jury that you will be cited in the coming Civil Rights Act suit against Judge Nevas and the Bridgeport Division including law clerks. That 11(b)(3) statement is not meant to harass you. If events pending in the Bridgeport Division Second Circuit and Supreme Court are not corrected a civil rights act suit is the only option.

This is a very serious matter involving the corrupt use of 18 U.S.C. 1964(c) and the Judicial Protection of the corrupt use of 18 U.S.C. 1964(c), by judicial criminal obstruction of an 18 U.S.C. 1964(c) complaint in its 8th year.

This petitioner has been conducting an 11(b)(3) investigation that has taken years in order that the "factual contentions have evidentiary support"; all averments against Judge Nevas, other

Federal Judges and Law Clerks, he corruptly influenced are in compliance with F.R.C.P. 11(b)(3) procedures.

The criminal acts (Highest of High Crimes in the Meaning of Article II) initiated and corruptly influenced by Judge Nevas can not go unpunished to do so would disgrace the institution to a Third World Level.

The only access we have for Federal Statutory protection is the Grand Jury – if you deny citizens of the United States access, after reviewing the information sent to you, (Standing Order inter alia), which is now on an Alaskan Website, (www.Laborers.org Standing Order), then the Civil Rights plaintiffs must cite you as a defendant for violating inter alia our 5th Amendment Due Process Rights for the protection of our Constitutional Rights.

This is a very shameful situation caused by flagrant Extra Judicial Acts of Fraud, Obstruction and Deceit jeopardizing and harming our basic fundamental Rights. Your immediate attention and answer to this letter would be greatly appreciated. This letter will also be entered in the Appendix to the Rule 44.2 Motion, please respond.

Thank you.

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Gary R. Wall, Rule 11(b)(1)(3) Civil Rights Petitioner

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